By Mr. SPIGHT: A bill (H. R. 18780) granting a pension to Jane Rankin Eades—to the Committee on Pensions.

By Mr. STEENERSON: A bill (H. R. 18781) granting an increase of pension to Byron Lent—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 18782) granting a pension to Sarah J. Kelley—to the Committee on Invalid Pensions.

By Mr. WILSON of Arizona: A bill (H. R. 18783) for the relief of F. W. Volz—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Philadelphia Board of Trade, favoring revision of railway rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Tampa (Fla.) Board of Trade, against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN: Petition of citizens of Maine, favoring the parcels-post and postal-currency bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. H. Ransdell and 16 others, against repeal of the Grout law—to the Committee on Agriculture.

By Mr. BOWERSOCK: Joint resolution of the Kansas legislature, for an amendment to the Constitution enabling election of United States Senators by the people—to the Committee on the Judiciary.

Also, joint resolution of the Kansas legislature, for irrigation of western Kansas—to the Committee on Irrigation of Arid Lands.

Also, joint resolution of the Kansas legislature, for increased power for the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BURGESS: Paper to accompany bill for relief of William M. Short—to the Committee on Pensions.

By Mr. BURLESON: Paper to accompany bill for relief of William R. Bradfute—to the Committee on Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of William L. Lee—to the Committee on Invalid Pensions.

By Mr. EVANS: Paper to accompany bill for relief of Paul G. Morgan—to the Committee on Pensions.

By Mr. FITZGERALD: Resolution of the thirty-sixth legislative assembly of New Mexico, against admission of New Mexico and Arizona as one State into the Union—to the Committee on the Territories.

Also, petition of the Order of Railway Conductors, Division No. 54, favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. GROSVENOR: Petition of Tampa (Fla.) Board of Trade, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMLIN: Paper in support of bill H. R. 15179—to the Committee on War Claims.

By Mr. HARDWICK: Petition of the Southern Interstate Cotton Convention, favoring increase of the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the tobacco growers of Decatur County, Ga., against reduction of tariff on tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. LUCKING: Petition of Alfred Lucking et al., for an amendment of the Constitution to prohibit polygamy—to the Committee on the Judiciary.

By Mr. MARSHALL: Resolution of the legislature of North Dakota, asking an appropriation of $20,000 to dredge the Red River—to the Committee on Rivers and Harbors.

Also, resolution of the legislature of North Dakota, favoring appropriations for necessary irrigation and reservoir purposes—to the Committee on Irrigation of Arid Lands.

Also, resolution of the legislature of North Dakota, for an act authorizing and permitting use of the waters of the Missouri River for irrigating purposes—to the Committee on Irrigation of Arid Lands.

By Mr. NEEDHAM: Petition of citizens of San Juan, Cal., against reduction of tariff on sugar from the Philippines—to the Committee on Ways and Means.

By Mr. OVERSTREET: Paper to accompany bill for relief of William Schall—to the Committee on Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Robert T. Williams—to the Committee on War Claims.

By Mr. PORTER: Petition of Woman's Home Missionary Society of Sewickley (Pa.) Methodist Episcopal Church, favoring the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Woman's Home Missionary Society of Sewickley (Pa.) Methodist Episcopal Church, against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Rachel C. Golden—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Wayne Knitting Mills, of Fort Wayne, Ind., against the anti-injunction bill of Mr. JENKINS—to the Committee on Interstate and Foreign Commerce.

Also, petition of Louis Rostetter & Son, of Fort Wayne, Ind., against the anti-injunction bill of Mr. JENKINS—to the Committee on the Judiciary.

By Mr. SHEPPARD: Paper to accompany bill for relief of Israel M. Green—to the Committee on Invalid Pensions.

By Mr. SNOOK: Paper to accompany bill for relief of Simon McCalla, of Hicksville, Ohio—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Paper to accompany bill for relief of Mrs. Jane Rankin Eads—to the Committee on Pensions.

By Mr. WANGER: Petition of Washington Camp, No. 649, Patriotic Order Sons of America, of Red Hill, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Pomona Grange, No. 22, Patrons of Husbandry, of Bucks and Philadelphia counties, Pa., against the present oleomargarine law—to the Committee on Agriculture.

Also, petition of Lower Providence Presbyterian Church, of Montgomery County, Pa., against the sale of liquor to Indians in future statehood legislation—to the Committee on the Territories.

By Mr. WEBBER: Petition of the Woman's Christian Temperance Union of Norwalk, Ohio, against liquor selling on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of L. J. Bebant, M. D., against sale of intoxicating liquor in Indian Territory if admitted to statehood—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Norwalk, Ohio, against repeal of the anticanteen law—to the Committee on Military Affairs.

SENATE.

MONDAY, *February 6, 1905.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

KENTUCKY TROOPS IN CIVIL WAR.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 27th ultimo, a copy of the report of the Military Secretary, showing from the records on file in his office the number of Kentucky troops in the military service of the United States during the civil war; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

STEAMER PARKGATE.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Assistant Secretary of Commerce and Labor, transmitting, in partial compliance with a resolution of the 3d instant, a copy of the application for registry of the foreign-built vessel *Daventry*, and stating that a report of the proceedings and copies of documents bearing upon the question of admitting to American registry the steamer *Parkgate* will be transmitted without delay. It is the opinion of the Chair that it is not necessary to print the voluminous correspondence, evidence, etc., which accompany the communication, and therefore he will refer it to the Committee on Commerce without printing, if there be no objection. It is deemed necessary to return to the Department the original papers, so that they may be there on file, as they constitute a part of its records.

ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting an increase in the estimate of appropriation for blanks, blank books, printed and engraved matter, binding, and carbon paper for the money-order service from $135,000 to $145,000; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Presbyterian Church of Beverly, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Wardens and Vestrymen of St. Mark's Protestant Episcopal Church, of St. Albans, W. Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the First Baptist Church of Jefferson City, Mo., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 6450) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims, asks a conference with the Senate on the disagreeing votes of the two House thereon, and had appointed Mr. GRAFF, Mr. HOWELL of Utah, and Mr. GOLDFOGLE managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 12152. An act relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane;

H. R. 17939. An act relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America;

H. R. 18207. An act to amend sections 1, 5, and 6 of an act entitled "An act authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River, at Lexington, Mo.," approved April 28, 1904, extending the provisions thereof to steam-railway cars, locomotives, and other motive power, and extending the time for commencing actual construction of said bridge;

H. R. 18428. An act to authorize the Leckrone and Little Whiteley Railroad Company to construct and maintain a bridge across the Monongahela River; and

H. R. 18468. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 5799. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak., and upon certain lands which were heretofore a part of Devils Lake Indian Reservation, in the State of North Dakota;

S. 5888. An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.;

S. 5937. An act to amend an act to regulate the height of buildings in the District of Columbia;

S. 6312. An act providing for the construction of irrigation and reclamation works in certain lakes and rivers;

S. 6375. An act to confirm title to lot 5, in square south of square No. 990, in Washington, D. C.;

S. 6489. An act to amend section 9 of the act of August 2, 1882, concerning lists of passengers;

S. 6514. An act for the relief of the Church of our Redeemer, Washington, D. C.;

S. 6834. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota; and

H. R. 12346. An act to correct the military record of William J. Barcroft.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of sundry citizens of Chattanooga, Tenn., and a memorial of sundry citizens of Osnabrock, N. Dak., remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. DRYDEN presented memorials of sundry citizens of Flemington and Rahway, in the State of New Jersey, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of E. R. Petty, of Newark, N. J., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of Local Lodge No. 2, Brotherhood of Railway Clerks, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. STONE presented a concurrent resolution of the legislature of Missouri, in favor of the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

JEFFERSON CITY, MO., *February 2, 1905.*

Senator WILLIAM J. STONE,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to herewith transmit to you, by order of the house of representatives, a concurrent resolution this day adopted by the general assembly of the State of Missouri.

Very respectfully, yours, B. F. RUSSELL,
Chief Clerk, House of Representatives.

Joint resolution.

Whereas the President of the United States, in his last annual address to the Congress, recommended that "the Interstate Commerce Commission should be vested with the power, where rate (for the transportation of property in the interstate and foreign commerce) has been challenged, and, after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately and to obtain unless and until it is reversed by the court of review:" Therefore, be it

Resolved by the house of representatives, the senate concurring therein, as follows: That the Senators and Representatives of Missouri in the Congress of the United States be requested to use their best efforts to secure the enactment of such laws as will best tend to the carrying out of the recommendations of the President with reference to the enlargement of the powers of the Interstate Commerce Commission; and that a copy of this resolution, duly authenticated, be transmitted to each of our representatives in the Congress.

Mr. STONE presented a memorial of the Commercial Club of Kansas City, Mo., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Pawnee, Okla., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission and for the enactment of legislation providing for the taxation of Indian lands in the Territory of Oklahoma and the Indian Territory; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of the Merchants' Association of Moline, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Illinois,

praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. GALLINGER. I present a petition of seventy-three drug firms and druggists of the State of New Hampshire, praying for the consideration of House bill 13679, known as the "Mann bill," which I understand is now before the Committee on Patents. From a reading of the petition I feel sure that this is a matter of such great interest that it ought to be taken up and acted upon during the present session of Congress. I move that the petition be referred to the Committee on Patents.

The motion was agreed to.

Mr. GALLINGER presented a memorial of the board of aldermen of Boston, Mass., remonstrating against the ratification of the arbitration treaty between Great Britain and the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the East Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation to create a juvenile court in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Sarah J. Eddy, of Bristol Ferry, R. I., remonstrating against the establishment of a whipping post in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Boscawen, N. H., and a petition of the Woman's Christian Temperance Union of Dempster, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Floyd R. Mechem, of Chicago, Ill.; of Edith Abbott, of Chicago, Ill., and of the Association of Collegiate Alumnæ of the United States, praying for the enactment of legislation providing for compulsory education in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PERKINS presented a memorial of the California State Federation of Labor, remonstrating against a reduction of the tariff on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of Local Lodge No. 73, Brotherhood of Railroad Trainmen, of Kern, Cal., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. ANKENY presented a memorial of the Washington State Federation of Labor, remonstrating against a reduction of the duty on cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Washington State Federation of Labor, praying for an investigation of the labor troubles in Colorado; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Washington State Federation of Labor, remonstrating against enlisted bands being placed in competition with civilian organizations; which was referred to the Committee on Education and Labor.

He also presented a petition of the Washington State Federation of Labor, praying for the enactment of legislation providing for the further protection of the salmon industry; which was referred to the Committee on Fisheries.

He also presented a petition of the Washington State Federation of Labor, praying for an extension of the exclusion act so as to include all classes of Japanese and Koreans other than those now exempt under the present law; which was referred to the Committee on Immigration.

Mr. GAMBLE presented the petition of Rev. James W. Lynd and 14 other members of the Ascension Church at the Sisseton Agency, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the ninth legislative assembly of 1905 of the State of South Dakota, praying for the construction of levees and wing dams along the low banks of the Missouri River near the James and Vermilion rivers, in Yankton, Clay and Union counties, for the prevention of the overflow of the waters, etc.; which was referred to the Committee on Commerce.

He also presented a petition of the ninth legislative assembly of 1905 of the State of South Dakota, praying for the enactment of legislation making the minimum homestead entries west of the Missouri River in South Dakota 640 acres; which was referred to the Committee on Public Lands.

He also presented a memorial of the judges of the supreme court of the Indian Territory, remonstrating against the use of tribal funds for support of contract schools on the Pine Ridge Indian Reservation without having the consent of the Indians; which was referred to the Committee on Indian Affairs.

Mr. McCUMBER presented a memorial of the legislature of North Dakota, relative to the enactment of legislation authorizing and permitting the taking of waters from the Missouri River for irrigation purposes; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

Concurrent resolution introduced by Mr. Voss.

Resolved by the senate of the ninth session of the State of North Dakota (the house of representatives concurring), That we urge our Senators and Members of Congress to secure the passage of an act authorizing and permitting the taking of the waters of the Missouri River for irrigating purposes under the national irrigation act, approved June 17, 1902.

Mr. McCUMBER presented a memorial of the legislature of North Dakota, relative to the enactment of a law requiring that money raised for irrigation work shall be used in the State in which such money was raised; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Mr. Bacon offered the following concurrent resolution:

Whereas our National Congress has by law provided that nearly all moneys received from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming shall be used for irrigation purposes in the arid and semiarid districts of the said State; and

Whereas there are portions of the State of North Dakota that would be greatly benefited by a proper drainage and reservoir system; and

Whereas the expense of such a drainage system would be too burdensome under our State law as it now exists: Now, therefore, be it

Resolved by the senate of the State of North Dakota, the house of representatives concurring, That our Senators and Representatives in Congress be requested to use all honorable means to secure an amendment to the national irrigation law to the effect that a portion of the money set aside for irrigation and reservoir purposes may be used for drainage purposes where necessary in said State; and be it further

Resolved, That a copy of these resolutions be sent to each of our Senators and Representatives in Congress.

Mr. McCUMBER presented a memorial of the legislature of North Dakota, relative to the enactment of legislation providing for the improvement of the Missouri River and aiding navigation; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Mr. Bacon offered the following concurrent resolution:

Whereas much grain is raised for sale by the farmers in the Red River Valley; and

Whereas much of this grain could be more conveniently marketed at warehouses along the river than at railway stations; and

Whereas it would save much labor and expense to farmers if they were able to market at such warehouses; and

Whereas the river channel is so filled up as to prevent the passage of boats loaded to their full capacity: Now, therefore, be it

Resolved by the senate of the State of North Dakota, the house of representatives concurring, That our Senators and Members of the House of Representatives in Congress be requested to put forth every effort and use all honorable means to secure the appropriation of $20,000 from the United States Government for the purpose of dredging the Red River and aiding navigation; and be it further

Resolved, That a copy of this resolution be forwarded to each of the Senators and Representatives of this State in Washington.

Mr. McCUMBER presented a memorial of the legislature of North Dakota, relative to the improvement of the Yellowstone River below the proposed dam near Glendive, Mont., etc.; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Concurrent resolution introduced by Mr. Stevens, of Burleigh.

Whereas the navigable rivers are the heritage of all the people of our Commonwealth; and

Whereas it is necessary, in order to carry out the provisions of the national irrigation act for irrigation in the State of North Dakota, to take water from the Missouri River and its tributaries for irrigation purposes; and

Whereas the navigation laws of the United States may in some manner conflict with the appropriation and diversion of these waters for the purpose of irrigation: Therefore, be it

Resolved by the house of representatives (the senate concurring), That the United States Senators and the Members of the House of Representatives of the National Congress be most respectfully petitioned to urge the passage of such measures as will permit the waters of the Missouri River and its tributaries to be taken therefrom for irrigation purposes under such rules and regulations as may be prescribed by the reclamation service of the United States while continuing to preserve and improve our navigable rivers for the purposes of navigation; further be it

Resolved, That the United States Senators and Members of the House of Representatives of the National Congress be most respectfully petitioned to make adequate provision for the improvement of the Yellowstone River below the proposed dam near Glendive, and for the improvement of all other navigable rivers within our State.

Mr. PLATT of New York presented petitions of sundry citizens of Brooklyn and Moravia, of the Woman's Christian Temperance Union of Seneca Castle, of the Woman's Christian Temperance Union of West Chazy, and of the Woman's Christian Temperance Union of Wellsville, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the executive council of the Workingmen's Federation of Labor, of Utica, N. Y., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the American Copyright League, of New York City, remonstrating against the enactment of legislation to amend the copyright laws; which was referred to the Committee on Patents.

He also presented petitions of the Retail Druggists' Association of New York City; of the Erie County Pharmaceutical Association, of Buffalo, and of sundry citizens of Newark and Brooklyn, all in the State of New York, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented petitions of citizens of New York City, Chester, and Troy, and of the Grolier Society of New York City, all in the State of New York, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

He also presented a memorial of Local Union No. 132, Cigar Makers' International Union of America, of Brooklyn, N. Y., remonstrating against any reduction of the duty on, tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented petitions of Local Lodges Nos. 8, 28, 25, 23, 4, 21, 6, 12, 34, 33, and 22, of Brooklyn, New York City, Pearl River, and Jamestown, all of the Independent Order of Good Templars, in the State of New York, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. CLAY presented a petition of the Southern Interstate Cotton Convention of New Orleans, La., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. SPOONER presented a joint resolution of the legislature of Wisconsin, relative to a revision of the present tariff law; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Joint resolution No. VII S.

Be it resolved by the senate (the assembly concurring), That we commend the action taken by the members of the Wisconsin delegation in Congress in regard to the readjustment of the tariffs; and be it further

Resolved, That it is the sense of the Wisconsin legislature that the promises made in the National Republican platform regarding the readjustment of the tariffs should be kept; and a copy of these resolutions be transmitted to the President, President of the Senate, Speaker of the House of Representatives, also to the Senators and the Members of the House of Representatives from Wisconsin.

J. O. DAVIDSON,
President of the Senate.
L. K. EATON,
Chief Clerk of the Senate.
I. L. LENROOT,
Speaker of the Assembly.
C. O. MARSH,
Chief Clerk of the Assembly.

Mr. KITTREDGE presented a joint resolution of the legislature of South Dakota, relative to an appropriation for the building of levees and wing dams on the low banks of the Missouri near the James and Vermilion rivers; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

State of South Dakota, department of state. United States of America, State of South Dakota, Secretary's office.

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 4, as passed by the legislative assembly of 1905, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 2d day of February, 1905.

[SEAL.] D. D. WIPF, *Secretary of State.*

A joint resolution memoralizing Congress to appropriate money for the building of levees and wing dams on the low banks of the Missouri, near the James and Vermilion rivers.

Be it resolved by the house of representatives (the senate concurring therein), Whereas the people living in the great Missouri Valley, within the boundaries of Yankton, Clay, and Union counties, demand protection from sickness and heavy losses in damage to growing crops, caused by the overflow of large areas of cultivated bottom lands during repeated periods of high water in the James and Missouri rivers: Therefore the members of the ninth legislative assembly of the State of South Dakota respectfully petition the Congress of the United States to enact a law appropriating money for the construction of levees and wing dams along the low banks of the Missouri near the James and Vermilion rivers, as recommended by expert engineers who have made recent surveys there; be it further

Resolved, That the secretary of state is hereby authorized and directed to send a certified copy of this resolution and memorial to the President of the Senate and Speaker of the House of Representatives in the Congress of the United States.

J. L. BROWNE,
Speaker of the House.

Attest:

H. C. DUNHAM, *Chief Clerk,*
By J. M. MILES, *Assistant.*

J. E. MCDOUGALL,
President of the Senate.

Attest:

L. M. SIMONS,
Secretary of the Senate.

(Indorsed:)

I hereby certify that the within resolution originated in the house and was known in the house files as house joint resolution No. 4

H. C. DUNHAM,
By J. M. MILES.

STATE OF SOUTH DAKOTA,
Office Secretary of State, ss:

Filed February 2, 1905, at 1.20 o'clock p. m.

D. D. WIPF, *Secretary of State.*

Mr. KITTREDGE presented a joint resolution of the legislature of South Dakota, relative to the adoption of an amendment to the homestead law, so as to make the homestead 640 acres in certain portions of South Dakota; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

State of South Dakota, department of state. United States of America, State of South Dakota, secretary's office.

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 1, as passed by the ninth legislative assembly of 1905, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 2d day of February, 1905.

[SEAL.] D. D. WIPF, *Secretary of State,*
By ——— ———,
Assistant Secretary of State.

A joint resolution memorializing Congress to so amend the law to make the homestead 640 acres in certain portions of South Dakota.

Be it resolved by the house of representatives (the senate concurring therein), Whereas justice to the settler and the best interests of the whole State alike demand the enlargement of the homestead on the west side of the Missouri River in South Dakota: Therefore the members of the ninth legislative assembly of the State of South Dakota would respectfully petition the Congress of the United States to enact a law making the homestead entries in that part of South Dakota lying west of the Missouri River 640 acres each maximum, and to permit those who have heretofore made homestead entries in said district an additional amount to make the total of 640 acres; and be it further

Resolved, That the secretary of state be, and he is hereby, authorized and directed to send a certified copy of this resolution and memorial to the President of the Senate of the United States, the Speaker of the House of Representatives in Congress, and the Senators and Members of Congress from the State of South Dakota.

(Indorsed:)

I hereby certify that the within originated in the house and was known in the house files as house joint resolution No. 1.

H. C. DUNHAM,
By J. M. MILES.

STATE OF SOUTH DAKOTA,
Office of Secretary of State, ss:

Filed February 2, 1905, at 1.20 o'clock p. m.

D. D. WIPF, *Secretary of State.*

A joint resolution memoralizing Congress to so amend the laws as to make the homestead 640 acres in certain portions of South Dakota.

J. L. BROWNE,
Speaker of the House.

Attest:

H. C. DUNHAM, *Chief Clerk,*
By J. M. MILES, *Assistant.*

J. E. MCDOUGALL,
President of the Senate.

Attest:

L. M. SIMONS,
Secretary of the Senate.

Mr. PENROSE. I present the memorial of Capt. George B. Haycock, United States Marine Corps, retired, in which he states that by reason of his being a civil-war veteran and having been placed on the retired list on account of disability contracted in the line of duty he is entitled to the benefits of that part of the army appropriation act of April 23, 1904, which granted promotion of one grade to the officers on the retired list who served during the civil war, etc. I ask that the memorial be printed in the RECORD, and referred to the Committee on Naval Affairs.

There being no objection, the memorial was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD, as follows:

Memorial of Capt. George B. Haycock, United States Marine Corps, retired.

The petitioner, Capt. George B. Haycock, United States Marine Corps, retired, respectfully sets forth that he is a veteran of the civil war and that on account of disability contracted in the line of duty he was placed on the retired list of the Marine Corps under the provisions of section 1622, Revised Statutes of the United States, which states that:

"The commissioned officers of the Marine Corps shall be retired in like cases, in the same manner and with the same relative conditions, in all respects, as are provided for officers of the Army."

The petitioner avers that he served long and faithfully during the civil war; that the President of the United States saw fit to nominate him to, and the Senate of the United States saw fit to confirm him in, brevet rank for certain services rendered during said civil war; that the official records will show no blot upon his military standing; that the petitioner was placed upon the retired list of the United States Marine Corps through no fault of his, but by reason of disability contracted in the line of duty.

The petitioner would further set forth that believing himself, by reason of his status under the aforesaid section 1622, Revised Statutes of the United States, above referred to, and of his being a civil war veteran and placed on the retired list by reason of disability contracted in the line of duty, entitled to the benefits of that part of the army appropriation act of April 23, 1904, which granted promotion of one grade to officers on the retired list who served during the civil war and were of creditable record, did apply early in June, 1904, to the honorable Secretary of the Navy for such benefits of the act of April 23, 1904, as were applicable to his case; that on October 17, 1904, the honorable Attorney-General of the United States rendered a decision to the effect that the petitioner and officers of the United States Marine Corps were not entitled to the benefits of said act of April 23, 1904.

The petitioner further, and with much regret, sets forth that by reason of the operation of said act of April 23, 1904, and of said subsequent opinion excluding him from the benefits thereof, he has been injured in his feelings and lowered in the official standing he is legally entitled to, and superseded in rank which he has heretofore held on the honorable retired list of the United States Marine Corps in that precedence to which the date of his commission entitles him; that he is now outranked one full grade by every civil war veteran over whom he had a legal precedence prior to April 23, 1904, and that only an act conferring upon him and his class of retired officers of the Marine Corps provisions for them similar to those conferred upon officers of the United States Army affected by the act of April 23, 1904, will restore the petitioner to his former rights and legal equalities, to which his service and his legal status entitle him.

Wherefore the petitioner prays for relief from this injustice that has been done him, and respectfully urges favorable consideration of such bill or bills as are now pending before the Congress of the United States and which the petitioner is informed are now under the consideration of the Committee on Naval Affairs thereof.

The petitioner respectfully presents that in order to obtain the justice and equalization contained in his prayer, to the best of his knowledge and belief, the following list of officers of the Marine Corps will be thereby affected as set forth, and that to the best of his knowledge and belief the sum of $5,382.42 is the amount per annum involved therein, as follows, to wit:

	Increased pay per annum.
3 colonels to be brigadier-generals	$1,854.02
1 major to be lieutenant-colonel	377.40
4 captains to be majors	2,940.00
2 second lieutenants to be first lieutenants	211.00
Total aggregate per annum	5,382.42

The petitioner further avers that the sum of $5,382.42 per annum, as given above, is a fast decreasing sum; that there are but ten officers affected by the Penrose amendment, one of them having died since the passage of the act of April 23, 1904, and which makes the injustice which the petitioner seeks to have rectified; that of these ten officers affected all are old and aging fast; that the petitioner is himself 66 years of age and almost totally blind, wherefore he humbly prays that his remaining years may be comforted by the act of justice contained in the pending bills for the relief of the civil war veterans of the United States Marine Corps.

Respectfully,

GEO. B. HAYCOCK,
Captain, U. S. Marine Corps, retired.

Mr. PENROSE presented petitions of Anthracite Division, No. 543, Brotherhood of Locomotive Engineers, of Kensington; of Tyrone Division, No. 51, Order of Railway Conductors, of Tyrone, and of Quaker City Lodge, No. 149, Brotherhood of Railroad Trainmen, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. LONG presented a petition of Local Lodge No. 356, Brotherhood of Locomotive Trainmen, of Wichita, Kans., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented sundry papers to accompany the bill (S. 6977) for the relief of the heirs of Hiram B. Elliott; which were referred to the Committee on Claims.

Mr. FRYE presented memorials of sundry citizens of the State of Maine, remonstrating against the repeal of the present oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Republicans of the eighth legislative assembly of the Territory of Oklahoma, praying for the passage of the so-called "statehood bill;" which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6859) granting an increase of pension to Lydia D. Wise; and

A bill (S. 4684) granting an increase of pension to Ella M. Ewing.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3442) granting an increase of pension to William S. Underdown;

A bill (S. 3122) granting an increase of pension to Elias Thomas; and

A bill (H. R. 16629) granting an increase of pension to Nathan C. D. Bond.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5037) granting a pension to Clara T. Leathers;

A bill (S. 3556) granting an increase of pension to Theodore P. Rynder;

A bill (H. R. 16961) granting an increase of pension to Lydia McCardell;

A bill (H. R. 16932) granting a pension to Louisa E. Cummings;

A bill (H. R. 16614) granting an increase of pension to Jacob Repsher;

A bill (H. R. 16540) granting a pension to Annie B. Orr;

A bill (H. R. 10206) granting an increase of pension to Benjamin F. Minnick;

A bill (H. R. 16474) granting an increase of pension to Oliver McFadden;

A bill (H. R. 17537) granting an increase of pension to Theodore Titus;

A bill (H. R. 17437) granting an increase of pension to Albert H. Glassmire;

A bill (H. R. 18002) granting an increase of pension to Isaac Williams;

A bill (H. R. 9335) granting an increase of pension to Joseph N. Croak;

A bill (H. R. 16613) granting an increase of pension to Cornelia J. Schoonover; and

A bill (H. R. 16581) granting an increase of pension to Eli Dabler.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6966) granting an increase of pension to Peter A. Purdy; and

A bill (S. 7021) granting an increase of pension to Catharine R. Reynolds.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2251) granting an increase of pension to E. W. Bennett;

A bill (S. 6576) granting an increase of pension to Carrie M. Cleveland; and

A bill (S. 6749) granting an increase of pension to Alfred Diehl.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6939) granting an increase of pension to John Coburn;

A bill (S. 5405) granting a pension to John Leary; and

A bill (S. 5170) granting a pension to Kate M. Smith.

Mr. BALL, from the Committee on Pensions, to which was referred the bill (S. 6009) granting an increase of pension to James H. Briggs, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6010) granting an increase of pension to Justus A. Chafee, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17119) granting an increase of pension to Lewis Hitt;

A bill (H. R. 16859) granting an increase of pension to James Shaw;

A bill (H. R. 16654) granting an increase of pension to Isaac C. Buswell;

A bill (H. R. 16575) granting an increase of pension to John E. Hurley;

A bill (H. R. 16551) granting an increase of pension to William Morris;

A bill (H. R. 16946) granting an increase of pension to William Huddleson;

A bill (H. R. 16589) granting an increase of pension to Martha Peck; and

A bill (H. R. 16324) granting an increase of pension to Richard Rollings.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6901) granting an increase of pension to Allen Thompson; and

A bill (S. 5907) granting an increase of pension to Mary E. Robinson.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 7056) granting an increase of pension to Martha Haddock, reported it with amendments, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon.

A bill (S. 7064) granting an increase of pension to Esther S. Damon; and

A bill (S. 6922) granting a pension to Sarah Ferry.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 6948) granting an increase of pension to Bradford Burnham, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6075) granting an increase of pension to Samuel M. Jones;

A bill (S. 6681) granting an increase of pension to John L. Kiser;

A bill (S. 5897) granting an increase of pension to Collin A. Wallace; and

A bill (S. 331) granting an increase of pension to Henry E. Jones.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6076) granting an increase of pension to James B. Clark;

A bill (S. 6946) granting an increase of pension to Judson L. Mann;

A bill (S. 304) granting a pension to Sarah C. Nicklin;

A bill (H. R. 17068) granting an increase of pension to James A. Coil;

A bill (H. R. 16215) granting an increase of pension to Fitz Allen Gourley;

A bill (H. R. 16312) granting an increase of pension to Alpheus Townsend;

A bill (H. R. 16216) granting an increase of pension to Philo G. Tuttle; and

A bill (H. R. 16072) granting an increase of pension to Albert H. Barry.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 1690) granting an increase of pension to James K. Brooks, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5638) granting a pension to Susan E. McCartey, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16232) granting an increase of pension to Charles V. Jenkins;

A bill (H. R. 16364) granting an increase of pension to Gustav Tafel;

A bill (H. R. 16457) granting an increase of pension to Herbert S. Nelson; and

A bill (H. R. 16524) granting an increase of pension to Nancy B. Stratton.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 6847) granting an increase of pension to Thomas Dunn, reported it with an amendment, and submitted a report thereon.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (S. 7036) to regulate certain criminal procedure in the Indian Territory, reported it without amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments, and submitted reports thereon:

A bill (S. 6743) granting a pension to Joseph A. Aldrich; and

A bill (S. 1990) granting an increase of pension to Catharine Howland.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6921) granting an increase of pension to George W. Cole;

A bill (H. R. 17275) granting an increase of pension to Carmen Frazee;

A bill (H. R. 16384) granting a pension to Thomas Poag;

A bill (H. R. 15968) granting an increase of pension to James L. Hodges;

A bill (H. R. 16920) granting an increase of pension to Stillwell Truax;

A bill (H. R. 16774) granting an increase of pension to John J. James; and

A bill (H. R. 16702) granting an increase of pension to John A. Cairnes.

Mr. KEARNS, from the Select Committee on National Banks, to whom was referred the bill (S. 7065) to amend section 5146 of the Revised Statutes of the United States in relation to the qualifications of directors of national banking associations, reported it without amendment.

Mr. FRYE, from the Committee on Commerce, reported an amendment proposing to appropriate $14,400 for establishing a light-house and fog-signal station at or near Robinsons Point, Ile au Haut Harbor, Maine, intended to be proposed to the sundry civil appropriation bill, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

REPORT OF COMMISSION ON INTERNATIONAL EXCHANGE.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. ALDRICH on the 27th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 10,000 copies of the final report of the Commission on International Exchange, together with the appendixes thereto, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission.

WESTERN BOUNDARY LINE OF ARKANSAS.

Mr. BURNHAM. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 18280) to extend the western boundary line of the State of Arkansas, to report it favorably without amendment.

Mr. BERRY. It is important that the bill should be passed at as early a day as possible, and I ask unanimous consent for its present consideration. It is a very short bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. LODGE introduced a bill (S. 7081) to mark the grave of Maj. Pierre Charles L'Enfant; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GAMBLE introduced a bill (S. 7082) providing for the allotment and distribution of the tribal funds of the Sisseton and Wahpeton tribe of Sioux Indians in the State of South Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MALLORY introduced a bill (S. 7083) to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to Leslie E. Brooks; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 7084) to relinquish the interest of the United States in and to certain land in the city of Pensacola, Fla., to the Right Rev. Edwin P. Allen, Catholic bishop of the diocese of Mobile, Ala., in trust for the Catholic congregation of Pensacola, Fla.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TALIAFERRO introduced a bill (S. 7085) granting a pension to John G. Patton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 7086) granting an increase of pension to Lucinda Stamper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 7087) for the relief of William S. Shaw; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. LATIMER introduced a bill (S. 7088) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GALLINGER introduced a bill (S. 7089) to amend an act approved February 28, 1903, entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 7090) granting an increase of pension to Ephraim N. R. Ohl; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7091) granting an increase of pension to Margaret Gallagher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7092) to provide for thirty days' annual leave to clerks and employees of first and second class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN introduced a bill (S. 7093) granting an increase of pension to William Dawson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7094) granting an increase of pension to Albert C. Himes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7095) granting an increase of pension to Lewis M. Duff; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a joint resolution (S. R. 106) to extend the time for construction of the Akron, Sterling and Northern Railroad in Alaska; which was read twice by its title, and referred to the Committee on Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DRYDEN submitted an amendment proposing to appropriate $7,500 for salary of envoy extraordinary and minister plenipotentiary to Morocco, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

Mr. GORMAN submitted an amendment providing for the enlistment of bandsmen composing the band at the Naval Academy, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment authorizing the issuance of a patent in fee to Frank Meecham, a Yakima Indian, for land heretofore allotted to him, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. PLATT of Connecticut submitted an amendment proposing to appropriate $50,000 toward constructing, equipping and outfitting, complete for service, a new light-house buoy tender for buoyage for supply and inspection in the third light-house district, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the retention of James F. Sellers on the roll of the Capitol police, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment providing that jurisdiction be conferred upon the Court of Claims to further receive testimony from the Department and render final judgment in the cause of the Sisseton and Wahpeton bands of Sioux Indians *v.* The United States for any annuities which would be due these Indians under the treaty of July 23, 1851, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GAMBLE. On January 30 I submitted an amendment proposing to increase the salary of the consul at Three Rivers, Canada, from $2,000 to $2,500, intended to be proposed to the diplomatic and consular appropriation bill, and by an error it was referred to the Committee on Appropriations. I move that the Committee on Appropriations be discharged from the consideration of the amendment, and that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. LODGE submitted an amendment proposing to appropriate $100,000 for the construction of a light-ship near the eastern end of Hedge Fence Shoal at the entrance to Vineyard Sound, Mass., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REGULATION AND SUPERVISION OF INSURANCE.

Mr. CLAPP submitted an amendment, intended to be proposed by him to the bill (H. R. 16274) providing for the regulation and supervision of insurance; which was ordered to lie on the table, and be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 18207. An act to amend sections 1, 5, and 6 of an act entitled "An act authorizing the construction of a wagon, toll, and electric-railway bridge over the Missouri River, at Lexington, Mo.," approved April 28, 1904, extending the provisions thereof to steam railway cars, locomotive, and other motive power, and extending the time for commencing actual construction of said bridge; and

H. R. 18428. An act to authorize the Leckrone and Little Whiteley Railroad Company to construct and maintain a bridge across the Monongahela River.

H. R. 12152. An act relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane, was read twice by its title, and referred to the Committee on Pensions.

H. R. 18468. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 17939) relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America, was read twice by its title.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Commerce, if there be no objection.

Mr. CULBERSON. I ask that the bill be referred to the Committee on Foreign Relations, rather than the Committee on Commerce. It relates to the construction of an international dam on the Rio Grande near El Paso.

The PRESIDENT pro tempore. That reference will be made, if there be no objection.

HANNAH S. CRANE AND OTHERS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10558) referring the claim of Hannah S. Crane and others to the Court of Claims, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendment and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. CLAPP, and Mr. MARTIN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had adopted a replication to the answer of Charles Swayne, judge of the northern district of Florida, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House. And also that the managers have authority to file with the Secretary of the Senate, on the part of the House, any subsequent pleadings they shall deem necessary.

STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is House bill 14749.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. Mr. President, the pending bill contains two general propositions. The first relates to Oklahoma and Indian Territory, providing that they shall be joined and admitted to statehood as one State. The other relates to New Mexico and Arizona, providing that they shall be also joined together and admitted as one State to the Union.

So far as the first proposition is concerned, I have no objection. When I say that, I do not mean to speak particularly of the details of the measure, but only of the general proposition for the union of these Territories as one State and the admission of that State into the Union.

As to the details, knowing, as we all do, the ability and the care that the committee reporting this bill always brings to the consideration of any subject before it, I assume that they are what they should be. If I were to make any comment at all, it would be that it seems to me somewhat inconsistent to provide that a State shall be admitted to statehood on an equal footing with the original States, and then, in the same measure, undertake to restrict the supreme sovereignty of that State and make it inferior in sovereign power to the other States of the Union. But that is a matter I do not deem of enough importance to devote any time to it in this connection. I mention it only to show that it has not been overlooked in the consideration of the bill.

I have no objection to the admission of Oklahoma and Indian Territory as one State, because so far as the union of these Territories is concerned, that has, as I understand it, always been contemplated since the time when Oklahoma was carved out of the original Indian Territory, and made a Territory and given a Territorial government. In the enactments of Congress relating to that subject the ultimate union of the two Territories into one State was recognized and it has always been recognized.

Another reason is that, so far as I am aware, there is no substantial objection to the union of these Territories on the part of the people of either Territory. So far as I am advised, they are anxious to have this measure enacted into law; they are anxious to be joined together and made one State and to be admitted into the Union.

Again, I am in favor of that proposition, they having no objection to the union that is proposed, because, as it has been time and again said in the course of this debate, these two Territories, so joined, will make a splendid Commonwealth; a little larger than I would like to see—70,000 square miles of area—but no larger upon the average, I believe, than other States in that part of the country. We know that the State will have a fertile soil, and that it is blessed with almost inexhaustible resources of coal, iron, oil, and everything else calculated, when properly developed, to make the State one of the richest as well as one of the most populous in the country. So I am heartily in favor of that proposition.

My objection to this measure goes only to the second part—that which relates to New Mexico and Arizona. Shortly after the consideration of the measure commenced I offered an amendment, which is lying on the table, I believe, providing that in line 24, on page 26, after the word "question," there shall be inserted the words "in each of said Territories," the purpose of that amendment being to make it necessary, in order to carry out the proposition of this measure with respect to these two Territories, to secure a majority vote in each of said Territories.

Later, some days ago, I offered another amendment. This second amendment provides for the striking out of all that part of the bill which relates to New Mexico and Arizona and substituting therefor separate statehood for New Mexico and Arizona. Inasmuch as under the discussion of this second amendment I can say, and will necessarily have to say, all that I had been intending to say in support of the first amendment to which I called attention, I shall proceed in the few minutes I shall take to consider this last-mentioned amendment providing for striking out and the substitution of separate statehood.

Mr. GALLINGER. Will the Senator permit me to ask him a question at this point?

Mr. FORAKER. Certainly.

Mr. GALLINGER. The Senator from Ohio has stated that as far as his information goes there is no opposition on the part of the people of either Oklahoma or Indian Territory to making one State of those Territories. My information on that point is different from that of the Senator. I have a good deal of information to the contrary, and I will ask the Senator, if his amendment should go into the bill requiring a majority vote in the Territories of Arizona and New Mexico, whether he would have objection to a similar provision going in the bill in reference to the Territories of Oklahoma and Indian Territory?

Mr. FORAKER. No; I would not.

Mr. GALLINGER. I shall offer such an amendment, Mr. President.

Mr. FORAKER. I did not offer that amendment as to Oklahoma and Indian Territory because I was of the impression that is was the common desire of the people of both those Territories to be united in one State.

But, Mr. President, I did not mean to say in an unqualified way that there was no opposition. I suppose there are people in both those Territories who would be opposed to union; but what I meant to be understood as saying was that the overwhelming weight of sentiment there is in favor of uniting these two Territories into one State.

Mr. GALLINGER. I will give notice now that at the proper time I shall offer an amendment in reference to these two Territories similar to the amendment in reference to Arizona and New Mexico.

Mr. FORAKER. What is right and fair in one case should be in the other. I have no disposition whatever to question that. I offered it, in the first instance, because the people of Arizona are almost unitedly opposed to union with New Mexico, as I am advised, and because in the Territory of New Mexico there is a great opposition to it. I understand Senators are of opinion that a majority of those who will vote in New Mexico would vote for statehood united with Arizona, but the great majority of Arizonian people would vote the other way.

Now, I dislike the union of the Territories of New Mexico and Arizona, Mr. President, without regard to whether the people of New Mexico and Arizona would vote in favor of union. I would not stand in the way of admission as one State of New Mexico and Arizona if they were all, or substantially all, in favor of it, but I would still think it unwise; I would think it was making too large a State in area, and that the State would be too cumbersome to be enjoyed economically, and we ought not to make such a union.

But, coming now to speak of the amendment I last mentioned, that striking out and substituting separate statehood as to New Mexico and Arizona, I am opposed to the union proposed by the bill because, in the first place, it is a departure. I desire to call the attention of Senators to the fact that this is the first time, I believe, since the beginning of our Government when in admitting a Territory to statehood we have compelled it to unite with any other Territory. We have done just the opposite in many instances. Vermont, the first State we admitted, was separated from New York. Tennessee and Mississippi, as well as other States, were carved out of the territory south of the river Ohio, and when we came to make States of the territory northwest of the river Ohio we made, in the first instance, three, with permission to make two more; and, to avoid having States too large in area, we subsequently admitted Michigan and Wisconsin as separate States, dividing the Northwest Territory into five such subdivisions. When West Virginia was made a State she was taken away from old Virginia. So as to the territory acquired from Mexico. The States of Utah, Nevada, and other States were carved out of that territory; and

when we came to make these Territories we first made the Territory of New Mexico, in the fifties, and then, in 1863, we made the Territory of Arizona by separating it from New Mexico. We have pursued this policy in every instance, because we have had regard to the fact that States might be made larger than they should be.

We have constantly been cited, during the progress of this debate, to Texas. We have been told that Texas is larger than any State in the Union, and larger than one State made from these two Territories would be. But it must be remembered that when Texas was admitted it was provided that she might be divided into four additional States. She may never take advantage of that provision, but it indicates what the opinion of our predecessors was, and it indicates the character of precedent they have set in this matter.

Now, this is the first instance I can recall—if I am in error some Senator will, no doubt, correct me—where we have undertaken, after we have set up separate Territorial government with area and advantages sufficient for statehood, to join them together. It is certainly the first instance where we have undertaken to join them together without regard to their own preferences in the premises.

Mr. HANSBROUGH. Will the Senator allow me?

Mr. FORAKER. Certainly.

Mr. HANSBROUGH. I wish to call the attention of the Senator from Ohio to the situation in respect to the admission of the two Dakotas in 1889. There was a very strong sentiment in the Territory of Dakota against coming into the Union as one State, and a decided preference in favor of two States. Congress yielded to that sentiment and gave them two States.

Mr. FORAKER. I am much obliged to the Senator for calling my attention to that fact. I should have mentioned it. I mentioned it in my notes. Dakota, with an area of 150,000 square miles, a little less than that, to be accurate, was thought too large in point of area to be admitted as one State, and very able arguments were made in support of the proposition to divide it, and they were made by members of the Senate then who are still members of this body. I intend, before I conclude, to quote from some of the arguments made at that time in that respect.

I should also have mentioned the State of Maine, which was carved out of Massachusetts, but I have said enough to indicate what I want to impress upon the Senate, that the precedents we have set heretofore have been precedents of division and never of union, certainly never of the enforced union of Territories into a State.

We are told that States are not made up of square miles, that they are not made up of area, but of people. We all understand and appreciate that suggestion. But, Mr. President, the area of a State is a subject proper to be taken into consideration. All certainly will agree that the area of a State, especially if it be a sparsely settled State, as we are told this State forever will be, though I do not agree to that, may be too large.

Now how large is the area of this proposed State? I wish Senators to try to form in their minds a picture of the extent of this proposed State. I have been making some figures about it. I find that the whole of it will be as large in area as all New England, with New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and three-fourths of Ohio. Now, just think of that as one State! I have been told that a citizen residing in the southeastern portion of this proposed State, having occasion to go to Santa Fe, the capital provided by this measure, will have to travel about as far as from Keokuk, Iowa, to the city of New York. This proposed State will be 25 times larger than the State of Vermont; 25 times larger than the State of New Jersey; 30 times larger than the State of Masachusetts; 60 times larger than the State of Connecticut; 117 times larger than the State of Delaware, and 188 times larger than the State of Rhode Island. It seems to me, Mr. President, that the mere statement of these facts should be enough to satisfy every Senator that, if we admit those Territories joined together as one State, the people living in that State will not be able to economically enjoy their State government. They will necessarily be subjected to all kinds of inconveniences in connection with State matters.

When the question of dividing the Territory of Dakota was under consideration, the Senator from Connecticut [Mr. PLATT], one of the ablest, one of the wisest members of this body, a man who has been distinguished ever since he came to this Chamber as one of the most capable of American statesmen, one able always to give advice that it would be safe to follow—in connection with the admission of the Dakotas bore a very conspicuous part. He was on the Committee on Territories and was, I believe, the chairman of that committee. What he said about the Territory of Dakota I want to repeat, in reply to this proposed union of these two Territories. The Dakotas, combined, had an aggregate of about 150,000 square miles. It was thought that an area of about 75,000 square miles was enough for one State; and I agree with that. Mr. PLATT, in his report No. 586, first session Fiftieth Congress, said:

> The present Territory of Dakota, in the judgment of your committee, is too large for a single State, and the time has fully come when both North and South Dakota should be admitted as States upon an equal footing with the other States of the Union.

Afterwards, in the debate which ensued, the Senator from Connecticut is reported as speaking, on April 19, 1888, as follows:

> The Territory should be divided; and while I would respect the wishes of the inhabitants of the Territory to a great extent, I am so strongly convinced that the Territory ought to be divided that even against the wishes of a large portion of its population I should feel that it ought to be divided for the benefit of the nation and for the future security of the rights of the other States in the Union.

The Senator from Connecticut said in that connection just what I undertook to say a moment ago, that even if these two Territories of Arizona and New Mexico wanted to be united I would feel, for reasons which I shall undertake to give, that it would be unwise to yield to their desire in that respect. It would make a State too large in area and would make their enjoyment of their State government too expensive and inconvenient. The Senator from Connecticut continued as follows:

> It is too large for one State. It is larger than anybody ever thought of making a State, with two exceptions (California and Texas). It is larger than anybody ever thought of making an agricultural State, with one exception, and that is the State of Texas, to which I shall allude further on.

Then after dealing at some considerable length with the area and comparing it with that of other States the Senator from Connecticut proceeded as follows:

> It seems to me that when Senators seriously realize the area which this immense State would possess they can not but come to the conclusion that even if the sentiment of the people were adverse to it and the people had a dream of empire to grow out of the admission of such a great State, yet Congress, having reference to the physical equality of all the States, if I may use that term, ought not to think of admitting one State into the Union so capable of sustaining a dense population.

I will comment on the difference between that State and the Dakotas in a moment.

> It is larger than all of New England, New York, and New Jersey.

He could not add, because it did not admit of it, what I have added—larger than what is now the State of Pennsylvania, Maryland, West Virgina, and three-fourths of Ohio added.

> It is larger—

Said he—

> than Ohio, Indiana, and Illinois combined. It is larger than the combined areas of Kentucky, Tennessee, and Alabama.

In answer to a suggestion that has just now been made sotto voce—for I understand the suggestion has been made in a private way, though I could not help overhearing it—that the fact that the Dakotas were thought likely to have in the future a dense population differentiates that case from this to such an extent as to make these quotations inapplicable to this case. All that the distinguished Senator from Connecticut said at that time is even more strikingly applicable to this proposed State than it was to the States of the Dakotas, for the less dense the population the more these difficulties will be emphasized, to which I now, by reading from what he said, call attention. He said in the same debate to which I have referred:

> The idea of proper self-government repels the notion that such a State would not be too large (150,000 square miles). It is impossible for the common people to take part in the concerns of the State in a State of that size. The expense of attending conventions of the State, the expense of travel from one portion of it to the other, from any portion of it to the capital, the expense of attending the legislature, is so great that it practically shuts out the common and poor people from a participation in the privileges of government and from accepting the responsibilities and performing the duties of government.

A little further along the Senator said:

> Another thing is a practical denial of the administration of justice in its courts. Poor people can not travel long distances to attend court; they must have their courts near at hand.

Then, passing a few more sentences, the Senator spoke as follows:

> The truth as to what size a State should be lies, like all other truths, between extremes. It should be neither great nor small; it should be of medium size, and that has been the principle on which the statesmen of this country have acted in the admission of States.

Mr. President, I submit, if there be a sparsely settled popula-

tion in this vast territory, that is no answer to the objection which the Senator from Connecticut so well stated, to having here a State with too large an area, in the instance to which he was addressing himself. The expense will be just as great in this proposed State of Arizona to the common people, the poor people, to attend the conventions, and for other purposes, at the capital at Santa Fé, a thousand miles away, twice as far as they would have had to travel to reach the capital in the Dakotas, if we had left that State undivided.

Mr. HOPKINS. Mr. President——

Mr. FORAKER. I will yield in a moment.

The expense will be just as great to attend the courts and just as great to attend the legislature, except only in proportion that they will be much greater in this instance than in the other. Now, I yield to the Senator from Illinois.

Mr. HOPKINS. Mr. President, I desire to ask the Senator from Ohio if the adoption of the direct primaries in the proposed new State would not obviate all the difficulties that come from attending conventions at the State capital? As to the question of administering justice, would it not be better to have the courts at various points in the new State than to have them concentrated at the capital?

Mr. FORAKER. Well, Mr. President, there might be found ways to overcome some of these difficulties. It might be that we could make such an arrangement to ascertain the sentiment of the people by an expression at the ballot box as to prevent the necessity of traveling to a State convention. But, Mr. President, I should think that was a matter we ought to leave to the State to determine in the exercise of its sovereign political power, just as we have left it to every other State in this Union. It is a great privilege in some States to attend conventions. The people want to select their delegates and send them to the conventions, and generally many desire to attend who are not delegates. I do not think the Senator from Illinois would absolutely exclude them from participation in all of the familiar political functions that we know so much about. Not only do they select the delegates and send them to the conventions, but the people themselves like to attend—even the common people, the poor people, to employ the language used by the Senator from Connecticut. They have a right to attend the conventions, and it is desirable they should attend; they have a right to have a State of not such great and immoderate size as that they can not wait on these ordinary facilities in the administration of government.

The Senator says we may have the courts distributed over this Territory. I suppose there would be the ordinary State courts distributed through the different counties, but it is not likely that there will be more than one United States court for a long time to come at any rate. I do not know what the provision of the bill is on this subject. It may be that there would be one United States court in each of the present Territories. If so, it would be in recognition of the fact that the State would be too large to require all of the litigants to resort to the capital, where one of these courts would be located. I suppose only the supreme court of the State would sit at the capital. It is suggested to me that all litigants who have occasion to prosecute errors, or who would have any business in the supreme court, have a right to attend the supreme court. The idea of requiring a poor man who has litigation to take a train, if he can find one—and I will speak of that in a moment—and travel a thousand miles in order to get to the capital to hear his lawyer argue his case, or to put him to the expense of sending his attorney a thousand miles to argue his case, involves an unreasonable hardship. But I suppose that might be obviated by simply submitting the case on the record without having anybody to present it or anybody to make an argument, except only by brief. That might be done, but that is not the American way of doing such things. It would be a denial of a very important right.

But I now come back to the fact that the population would be too dense, in contemplation at least, in the Dakotas and too sparse in New Mexico. I come back to the proposition that this will be too large an area for a State, and the people there will be subjected to unusual and unnecessary and unjust expense in order to wait upon the government, to attend conventions, to attend upon the supreme court, to attend upon the legislature, and to do other things which we know in the administration of civil government they will be called upon to do.

Mr. President, there are other reasons than these why these two Territories should not be joined together. In the debate that occurred in Congress when the Territory of Arizona was separated from the Territory of New Mexico, all this was pointed out. That division was not alone because combined they made too great a Territory for economical enjoyment of government in the opinion of our predecessors, who acted at that time, and made too large an area for a State whenever statehood should be given, but because there were some natural difficulties in the way of the continued union of these Territories under one government. One was found at substantially the very place where this State line runs in a range of mountains, which rise all the way from 4,500 feet above the level of the sea to 10,000 and more feet above the level of the sea. The line was fixed at that place because that natural barrier between these two Territories seemed to make intercommunication unreasonably inconvenient, if not impracticable, I have been told, and I have seen fingers run over the map here and have heard statements made in connection with it, that that line of mountains does not run along the line of division. I do not know what will be insisted upon in that respect by the chairman of the committee, who will close this debate, but I have been told by others that it does. We know from the record that the men who created the Territory of Arizona by enacting its organic law supposed they were placing the line at that point because they found there the natural division between the Territories.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. I did not intend to interrupt the Senator from Ohio at all, but I think it is due to the truth of the case and to the clearness of the facts to ask the Senator this question: If it were true that that natural barrier was the reason for dividing these two Territories, why was it that the first proposition to divide the Territory—the first bill that was introduced to divide the Territory—did not divide it on a meridian of longitude, but divided it upon a degree of latitude? Why was it that in the division proposed in the first bill it should be divided by a line east and west, 33° 30′, instead of the one hundred and ninth meridian?

Mr. FORAKER. Mr. President, it was because, in the first instance, the propriety of dividing north and south along this range of mountains was not given sufficient consideration. When they came to investigate the subject, they concluded they ought to follow the line that nature had indicated whereby to divide these two Territories. That is the reason. Very frequently when we are impressed with the idea that there ought to be some legislation on some subject, we do not, in the first instance, when we make the first effort, get the most satisfactory solution of the difficulty, but after we have talked about it we conclude that we started in error and we change about and make it what we think is more likely to be correct and what we think is better. That is exactly what happened in the case of Arizona.

Mr. BEVERIDGE. Mr. President, I do not wish it to be inferred by my silence at present that I acquiesce in the explanation made by the Senator from Ohio; but I do not want to interrupt him further at present. I shall, however, later speak on the point that he has made.

Mr. FORAKER. I shall never make the mistake, Mr. President, of assuming that the Senator from Indiana acquiesces in anything that is said in opposition to a proposition he is urging before the Senate.

Mr. BEVERIDGE. Certainly not. [Laughter.]

Mr. FORAKER. No; that would be marvelous.

I do not say, Mr. President, that is the only reason why these two Territories were so divided, but that was one reason why they were so divided, and that is the controlling reason why the line was put at that particular place.

We have been told by other Senators that the railroads have crossed over this mountain divide, and so it can not be very much of an obstruction. I took the pains to find out about the railroad crossing this divide, and the lowest point at which any railroad crosses this divide is a little more than 7,000 feet above the level of the sea. So it seems, Mr. President, that all this indicates that these Territories ought to be left divided, as our predecessors provided they should be.

But there is still another objection. We have heard a great deal said about the populations, respectively, of these Territories. I think the populations of both of them are good, but they are different. There is a marked difference between the majority of the population, as I understand, in New Mexico and the population in Arizona. In New Mexico, from what we are told, I suppose the Spanish-Mexicans are in the majority. They have been accustomed to a different mode of life, to a different language, to a different procedure—at least, as to language—in the courts, and in many particulars they have grown along their lines, while the people of Arizona have been growing along lines quite different in some respects.

There is a difference in religion. That is a troublesome question to deal with always, and a delicate one to make any reference to; but we all know that differences of that character should be taken into consideration in determining whether or not we are going to make a homogeneous people in a Commonwealth that we are to create. We have no right to yoke a people together who are positively diverse in any respects that are important, such as are the respects to which I have alluded.

When Arizona was created the whole matter was debated, not very elaborately, some may say, but all these points were touched upon, and it was thought by those who at that time divided Arizona and New Mexico that they would remain divided. The Senator from California [Mr. BARD] in his very able speech at the opening of this debate pointed out that at that time, doing something that had never been done before in enacting an organic law, it was provided in the organic law of Arizona that it should remain a Territory until it was admitted to the Union. We are told that is not binding on us. That is true, but there is a moral obligation involved in it that we should not think of disregarding.

You do not find any such provision in any other organic act. You find in almost every other organic act the very opposite of it, in most cases the provision being that Congress reserves the right, at its pleasure, to attach the Territory so created to any other Territory or any other State in whole or in part. No such provision as that is contained in the organic act creating the Territory of Arizona. It was just the opposite, and was to the effect that Arizona should continue to be a Territory until admitted to statehood. I am not trying to quote the language exactly. It has been quoted so frequently that that is unnecessary, but I am stating the exact effect of it.

Now, proceeding upon the theory that they were divorced from each other, not for the time being, but for all time, those Territories, respectively, have proceeded to lay the foundations for statehood. In each Territory there has been established a school system; in each Territory they have erected their public buildings; they have their capitols; they have their penitentiaries; they have their benevolent institutions; and they have been growing all the time in the direction of separate statehood, and, accordingly, becoming attached to that which they themselves have created preparatory to statehood. It would be, it seems to me, an act of injustice, amounting almost to heartlessness, to now disregard their pronounced attachment for their respective Territories and institutions, and, without giving them any chance to be heard, compel them to be joined together and come into the Union as one State.

Therefore it was that I first offered the amendment that that should not be done unless a majority of the people in each of these Territories should so vote. When that amendment comes to be voted upon I sincerely hope it will be adopted; but, as I have said, I am going to address myself more particularly to the other amendment, which provides for the striking out of all that part of the bill which relates to the union of these Territories and proposes to substitute separate statehood for each.

I have said enough in objection to the force view or to any other kind of view. I want to address myself now to the question of their fitness for separate statehood. I spoke at length upon this subject on another occasion—in the Fifty-seventh Congress, I believe it was—and I know that Senators are familiar with the arguments. Therefore I want now to content myself simply with indicating them. In the first place, I think these Territories are entitled to separate statehood because each has a sufficient area. Nobody questions that. In New Mexico they have an area of 122,000 square miles. That is much larger than it should be for economical enjoyment of State government. In Arizona they have an area of 113,000 square miles. So the area of each, all will admit, is sufficient to entitle them to separate statehood.

Now, the question is as to population. We are told they have not sufficient population. I want to renew here the statement which I undertook to support with an argument when I addressed myself to the former statehood bill, that they have in these Territories a much larger population than has been found in most of the Territories heretofore admitted to statehood at the time when they were admitted. I do not pretend to be exact, but I understand—and the Senator having this bill in charge will correct me if I am in error—that at the last election in New Mexico they registered more than 70,000 votes. That many were registered. I do not know just how many were cast. We all know that all those who are entitled to vote do not always register. How many did not register no one can tell. We can speculate about it, but it is certainly safe to assume that there are in New Mexico four persons for every registered voter. That of itself would make 280,000. There are probably 300,000 people, therefore, living in New Mexico.

We have had from the beginning of the Government two rules, and only two, that have been taken into consideration and given weight in determining whether a Territory applying for statehood has a sufficient population to justify admission. One is the rule originating with the provision of the ordinance of 1787, according to which provision any Territory would be entitled to statehood whenever it had residing within it 60,000 free inhabitants, and might be admitted before then if Congress, in its judgment, saw fit to admit it. Ohio, the first State admitted under that provision, was admitted when she had only forty-two or forty-three thousand people. Quite a number of other States to which that law applied have been admitted when they had less than 60,000 people. That law applied to all five of the States carved out of the Northwest Territory, and then by a subsequent act of Congress it was made to apply as organic law to all the territory of the United States south of the river Ohio, and later it was applied to Oregon. That rule was followed in the admission of States, and it was recognized as a binding moral obligation on Congress in every instance where a Territory to which the ordinance of 1787 had been applied as an organic law came knocking at the doors of Congress for statehood. Later we acquired the Louisiana purchase. In acquiring that territory nothing was said about how large a population, so far as the giving of statehood was concerned, a Territory should have before it should be admitted to statehood, but we did say the people residing in that Territory should be admitted to the Federal Union upon the principles of the American Constitution, or some such expression as that.

When we had acquired that territory and had created Territorial governments for different parts of it and those Territories for which we had provided Territorial governments asked to be admitted, the question arose whether or not they had a sufficient population. Our predecessors who considered that question came to the conclusion—and it has been the rule ever since and never departed from—that a Territory we have created, to which the ordinance of 1787 was not applied or to which this question of being admitted according to the principles of our Constitution applied, was entitled to such admission whenever it could say it had at the time a population equal to the unit of representation in the House. That unit has from time to time changed, but Arkansas, Nebraska, Kansas, and I do not know how many other States have been admitted, and in connection with the admission of every one of them that question was discussed, and no man ever denied that when they could show that they had a population as large as the unit of representation there was a moral obligation resting on Congress to give them statehood.

Now, apply that rule to New Mexico. The ordinance of 1787 did not apply to that Territory, so that rule is not to be considered in this connection, but New Mexico came to us by virtue of the treaty with Mexico at the conclusion of the Mexican war. It was provided in that treaty that the people residing in the Territory so acquired should be admitted to the Union upon the principles of the Federal Constitution when Congress saw fit to act favorably.

I am not trying, as Senators will see, to quote the language exactly, but that is the effect of it. So the same rule, when applied to this Mexican territory, that was applied to the territory acquired as a part of the Louisiana purchase—that clause being contained in the treaty that the Congress should be the judge as to when this admission should take place—makes it, of course, competent for the Congress to postpone as long as it may seem fit to do so the admission of this Territory to statehood.

But the moral obligation remains just the same, and contemporaneous expressions in the messages of the President and in action taken by other officials in respect of this matter all show that it was the common expectation that that Territory would be admitted to statehood whenever it could comply with the requirements of the rule with which others had been compelled to comply.

Now, therefore, with that before us we come to consider whether or not the population of New Mexico is sufficient. I stated that it has at least 300,000 people. The unit of representation is now, I believe, a hundred and ninety-four thousand. So it has half more than enough to qualify it under that rule, and it seems to me that is enough to justify us in giving her statehood, and not only to justify us, but to make it our duty to give her statehood.

Ah, but somebody says the quality is objectionable. That has been intimated all though this debate. I do not have much patience with that suggestion. So far as the quality of the

people of these two Territories is concerned, the committee that brought in this bill providing for the admission of two Territories as one State are estopped to say the quality is not satisfactory.

If they are not qualified separately so far as concerns the quality of citizenship, they can not possibly be qualified in union so far as citizenship is concerned. They have voted, and they ask you to vote in passing this measure, that the people residing in the Territories are qualified for statehood so far as the quality of citizenship is concerned.

But, Mr. President, suppose there are some bad people in those Territories. There may be. There doubtless are. We have them in every State of the Union. I read only last Friday morning, I believe it was, in the newspapers how a grand jury of twenty-four members, in the city of Philadelphia, brought in a charge in open court arraigning the municipal government of that great city for tolerating and protecting and encouraging every kind and class and quality of vice and immorality almost that you can name, and yet we know that the people of Philadelphia are among the very best people to be found anywhere in all America.

And only this morning I cut out of the papers—and I must use it while I think of it, for fear I may forget it—something about Illinois. I understand in Illinois it is thought the people of New Mexico are not of a quality that makes them acceptable as citizens of the Union. Listen to this:

Auctioned to the highest bidder are special privileges in Illinois legislature.

And so it goes on.

Then follows a long sensational account. I do not know whether there is any truth in it or not. I hope there is none. I do know that Illinois is one of the proudest States in the Union, and her people are an intelligent people and a moral people and a patriotic people and a people who have demonstrated their capacity for statehood. But nothing that has been said in this debate in the way of charges against the people residing in New Mexico more seriously compromises them than that which is said here about the people of Illinois, than that which was said in this return of the grand jury in the city of Philadelphia about the people of that city; and if I wanted to continue this kind of reference I might say something about Delaware having had a fair share of trouble recently.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER (Mr. PENROSE in the chair). Does the Senator from Ohio yield to the Senator from Illinois?

Mr. FORAKER. Certainly.

Mr. HOPKINS. If the Senator will permit me, I desire to say, in respect to the newspaper clipping, that a charge of that nature was made by what is claimed to be an irresponsible party, and it was denied by every intelligent member of the legislature of Illinois, and that charge has met with universal condemnation, not only by the members of the legislature, but by the people of the State.

Mr. FORAKER. I did not expect the Senator from Illinois to admit the truth of this charge. I took good care to say that I hoped there was not any truth in it. I do not know anything about it. I only know that I found it in a newspaper and read it, and I think there is just as much truth in that, considering it false absolutely, as there is in many of the statements that have been made here about the people residing in New Mexico.

It is an easy thing to stand up here and say that the people of Arizona or the people of New Mexico are not qualified for statehood. The people of those Territories, under the most adverse and troublesome difficulties, have sustained their Territorial governments and have enacted laws for the past fifty years, not one single enactment of which the Congress, although having the power, has seen fit to repeal. Their administration of their domestic affairs, in so far as we have permitted them to control that administration, has been just as satisfactory as has been the administration by the officials of any State in this Union of their domestic affairs.

I do not want to be diverted from calling attention to another State. I am not asserting that any of these things are true, but if the people of these two Territories are to be held up here and to be criticised in the way they have been, I should have the right, speaking for them, to call attention to the fact not only that they have had trouble in Philadelphia and Illinois—of course, it is not true anywhere, but there have been charges of trouble—but that they have had trouble in Delaware, they have had trouble in Colorado, and they have had a whole lot of trouble in Missouri. I do not believe the people of these Territories have ever been charged with anything so bad as Mr. Folk succeeded in convicting a lot of municipal officials of St. Louis of having done. I call attention to this only to show that it is an easy thing to make charges about this and that and the other thing which has been done by the people of these Territories.

But, notwithstanding these charges, the fact remains that they have successfully conducted their Territorial governments, that under the most adverse conditions they have prospered, they have developed their industries, they have multiplied their population, and they have come to the point now where they are entitled to statehood.

But we are told while they have a sufficient population to entitle them to statehood, yet they are not going to grow and multiply as to population as they have done in the Dakotas and in Nevada and a lot of other States that have been admitted into the Union. Of course I speak of Nevada in a facetious sense. I should recall the reference, because I see the Senator from Nevada is not in his seat.

Mr. STEWART. I am here.

Mr. FORAKER. Then I will let it stand, for it is a compliment to that State.

Mr. STEWART. A good many people say bad things of Nevada. I am glad the Senator from Ohio is not in that category.

Mr. FORAKER. No. It is true, as has been stated, that that population has grown only gradually and slowly in these Territories, but that is easily accounted for. Population grows along the lines of least resistance, like some other things do. Until a few years ago they were afflicted in New Mexico with a condition of things relating to titles to land which made it impossible to go there and acquire land with any assurance that you would get good title. It was known when we acquired New Mexico that the Spanish land grants overlapped each other and that as to the matter of title all was confusion and uncertainty, and that there was no safety in acquiring land. And yet it was not until 1891 that we established a court of private land claims and set it to work to quiet those titles, and it was only within the past two years, possibly within the last year, when that court concluded its labors, having untangled all that difficulty and having quieted the title to 30,000,000 acres and more of public lands in New Mexico; and since that time they have been making progress and the population has been growing more rapidly than ever before.

But another difficulty. We are told by the Senator from Minnesota [Mr. NELSON] that the Indians in New Mexico are a docile, quiet, good-natured lot of Indians, of whom nobody has any right to be afraid, and yet I remember that the Apaches inhabited New Mexico and that General Miles made himself quite famous in the military history of this country by capturing Geronimo there. No one wanted to live within hundreds of miles of where one of the most ferocious of all the Indian tribes our country has ever been infested with were in the habit of putting in an appearance. We did not give the people of that Territory enough protection, and so it was easier to go in other directions than it was to go to that Territory.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. I have but limited time, but I will yield.

Mr. BEVERIDGE. I wish to ask the Senator only a question about the Indian matter and the argument the Senator makes that the Indians scared away settlers. Does he think the Indians in New Mexico were any worse than the Sioux Indians who inhabited the Dakotas and all that territory, and does not the Senator recall the Indian wars and massacres in that western country, which did not keep out the inpouring population?

Mr. FORAKER. What I said was that we afforded less protection in New Mexico than we did in other places. We took less pains to protect the people there, to make it safe for people to go there. I said, when I made the remark, that population, like other things, flowed along the line of least resistance; that where there was the greatest inducement and where there was the greatest safety and where conditions were most inviting people would go.

I have said as much as I can in my limited time about the question of population, perhaps. What have these people accomplished? They have 300,000 people. They have now their titles settled. They have the Indians driven out. They have peace and security. They have schools established. They have their public buildings erected. They have their governments in successful operation, and the population is rapidly increasing. Railroads are being constructed. Within the last year more than 300 miles of railroad, I am told, have been constructed and put in operation in the Territory of New Mexico, and pretty nearly, if not quite, as much in Arizona. They have in that Territory now an aggregate wealth exceeding three hundred mil-

lions. The capital of their banks amounts to more than ten millions. They have represented in those two Territories almost every kind of industry that you will find represented in any of the older States. They have coal. They have copper. They have all the minerals, almost. Their aggregate output year by year is rapidly making them wealthy communities. And now irrigation is just being commenced, as the Senator from California [Mr. PERKINS] suggests to me, and as the result we can confidently hope for a much more rapid growth of population hereafter than we have witnessed heretofore.

But with that kind of people, with that kind of wealth, so that they can easily bear the burdens of government, I do not know of any reason why New Mexico should not have separate statehood, and there is no reason against Arizona having separate statehood, except only that she probably has not yet a population equal to the unit of representation. She has only about one hundred and fifty or one hundred and sixty thousand, whereas the unit of representation is a hundred and ninety-four thousand.

But we can do with Arizona as we have done heretofore with other States that had a less population than was equal to the unit of representation. If the Congress in its judgment shall see fit, that need not stand in the way. They have an aggregate of over three hundred millions of wealth. They have more than ten millions of capital invested in banking. They have fifty or sixty newspapers, quite a number of them dailies. In New Mexico they have seventy-five newspapers, I believe, quite a number of which are dailies. They have good and acceptable school systems in both Territories. Their children are being educated. They are a moral, church-going people, and we know from the way in which they have conducted their government that they have the capacity for the administration satisfactorily of a State government.

We know, whatever else we may say about them, that they are a brave, patriotic, gallant people, who have never failed to respond, far beyond any quota they might be asked to fill, whenever there has been a call to arms.

Now, upon this whole subject the Senator from Connecticut [Mr. PLATT] spoke in the Wyoming case, and I want to call attention to what he said in that connection:

> The Territory has every qualification for State government, if the precedents of the past are followed. The question of population has never cut much of a figure in the admission of States.

Now, Senators, I ask you to take note of that. It was the Senator from Connecticut [Mr. PLATT], one of the most careful and conservative members of this body, who made that statement and made it in his report from the committee. "The question of population has never cut much of a figure." He was speaking according to the precedents. The precedents fully warranted him in making that statement, for it is true, as I have already stated, that time and again we have admitted Territories to statehood where the ordinance of 1787 applied that had less than 60,000 free inhabitants, and we have admitted Territories to statehood where the ordinance of 1787 did not apply, but the rule as to unit of representation did apply, when those Territories had a less population than would equal the unit of representation. So it has never cut much of a figure. The Senator from Connecticut proceeds:

> Illinois was admitted with 35,000 people.

It should have had 60,000, because it was under the Ordinance of 1787.

> Kansas, Nebraska, and Colorado each with less than 100,000.

Mr. President, having pointed out the conditions, having shown as well as I could, hurrying along in the way I have, that these Territories have sufficient population, sufficient area, that the quality of that population should be regarded as satisfactory, I want to speak to Senators a moment as to their duty with respect to these Territories, to grant them statehood at this time.

Is it not true that we have, by the precedents we have established, given a pledge to all who go out and live on the frontier, to make first settlements in these Territories, to organize Territorial governments, and develop industries, to fight the Indians and fight nature, that as a reward for it all we would, whenever they could comply with the rule we have usually followed, give them statehood? Is not that shown by our entire line of action on this subject?

The Senator from Connecticut [Mr. PLATT] spoke upon that subject. He said:

> The welfare of the United States clearly requires the change of Territories to States at the earliest period when the population and resources and prospects of a Territory are such as to insure a well-ordered, stable government by the people.

Does any man have any question but that they would have a well-ordered, stable government in New Mexico and Arizona if we would admit them both to statehood?

> A Territorial condition is only permissible under our system while the new Territory is weak and sparsely inhabited, during which period it needs the sustaining and protecting power of the General Government. To keep a people in such Territorial condition beyond that period is unjust to the people and unworthy of the Government. States add to the dignity, the power, and honor of the Republic. Our system is a union of States, and the Territorial pupilage is only a stage of training necessary to precede the responsibilites of statehood, and to be dispensed with whenever the people of the Territory are fit to assume such responsibilities.

There is not anything said there about the population in point of numbers necessary to statehood. But what the Senator from Connecticut spoke about, and what I want to impress upon this body, is that when men go out, as the people residing in these Territories went, to build up these places on the frontier, to organize Territorial governments, they go having our promise, according to all precedents, that whenever they have the requisite population in number and quality and have enough wealth to establish and maintain a State government we will give them the reward of statehood. It is a duty we owe. It is a right to be expected at our hands.

The Senator from Connecticut also said that this Territorial condition was not a desirable one—not a desirable one to be continued indefinitely, so far as the people of the Territories were concerned; not a desirable one to be continued so far as the union of States is concerned; that statehood adds to the dignity and honor of the Republic; and our citizens, as fast as they are prepared for statehood, ought to be taken out of that condition of pupilage and be given the right to govern themselves. I want to read at some length what he said upon that subject:

> The Territorial condition, aside from this question of right, is a condition of infancy, of pupilage, I was going to say of vassalage. If too long maintained, it is a position of vassalage. It is true that while the Territory is weak it needs the sustaining and protecting authority of Government—it needs the support of Government. It is like the child while under the power of the parent. Society has fixed a limit when that must end. In the case of the child, society says that it must end and the child must be an independent and free man at the age of 21. So a Territory in its condition of infancy needs to be protected and supported by the Government. It needs the strong arm of the Government. It needs its advice, as the child needs the advice of the father. It needs its laws, as the child needs the precept of the father. But it would be no more intolerable that the father should attempt to exercise his authority after the child arrived at the age when the common consent of mankind said that it was to be free and independent and to be emancipated from the power of the father than it is the Government to undertake to maintain the Territorial condition after the Territory has reached that point where it it is entitled by all the rules and the history of this Government to admission into the Union. Whenever the Government compels a Territorial condition after that period, it governs the Territory as it would govern a colony. It is not self-government any longer. It is abhorrent to the principles of our Government, which are that the people shall all have a voice in saying what the Government of the people shall be.
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> * * * * * * *
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> It is denying to them that principle which we insist upon as the right of man when we say that universal suffrage is to be the rule of this nation. It is taxation without representation. It is the same thing that the colonists fought against when we achieved our independence.
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> * * * * * * *
>
> Are they not to be entitled to say as much as I who shall be the President who presides over the nation? That they may not say who shall be their governor, or their judges, and many other officers?

I read at great length from these very able remarks of the Senator from Connecticut because they have a direct application to this case. New Mexico has been in this state of pupilage now for more than fifty years; Arizona in a state of pupilage for more than forty years. They have built up in spite of all these adverse conditions, about which so much has been said here, splendid Territorial communities, splendid school systems, and they are rapidly making those people, if there ever was any just exception to be taken to them, as acceptable a class of people as can be found in any of the States. Certainly by their record no more serious charges can be made against them than can be made, as I have undertaken to point out, against some of the older States, acknowledged to be among the best States in the Union.

The Senator from Connecticut said when a Territory shall have reached that point it is the duty of the Government to give it statehood—to give it the right to govern itself.

In this connection I am reminded that the Senator from Minnesota [Mr. NELSON] in his very able argument took occasion to say that nobody there except two classes of promoters—political promoters and industrial promoters—wanted statehood, and that nobody should want statehood, because we are giving to them a good, acceptable government, with which they ought to be satisfied. Mr. President, the Senator from Connecticut made a conclusive answer to that. It is a right that every

American has a right to aspire to, to be privileged to live under a government that will enable him to participate in the selection of a President and in the administration of the affairs of this great Republic. It is a right every American has a right to aspire to, to say who shall be the governor of his Territory or his State, to rule over him, and who shall be the judges before whom his causes, if he becomes a litigant, shall be tried. It is no little thing to deny that to a man, and it is contrary to the principles upon which we have always acted and to which we have always given force and effect when we could, to deny an American citizen any longer than is actually necessary participation in all these rights.

The Senator from Connecticut went on to say further:

I do not put it too strongly when I say that the American citizen has to restrain himself and withhold all the natural tendencies of his manhood when he submits to such a condition beyond the period when the Territory ought to be admitted as a State.

There is much more there I would be glad to read and would if I had more time, but I pass over much to read this:

All that the Anglo-Saxon holds dear to him in government is wanting in a Territorial government—

Was that true or not? We all know and feel that it was true. It was true as to the Dakotas, it is true as to New Mexico, and it is true as to Arizona.

Why, then, should these people be criticised for coming, as they have been coming year after year praying Congress to open the door and admit them to the Union of States? Why, when they come, should it be said that only a lot of political and industrial promoters are seeking statehood; that the great mass of the people are, in the first place, satisfied, and, in the second place, if they are not satisfied they ought to be satisfied, for they are getting a better government, through the appointment by the President of governors and judges, than probably they will give to themselves?

Mr. President, they have not come as promoters, not in any improper spirit, but as the representatives, as I believe, of the whole people, possessed of the idea that they are entitled to this reward, and expecting Congress to deal justly by them. They have come because "all that they hold dear in government is wanting to them in a Territorial government." That is not my language, but I adopt it and most heartily approve of it. Then the Senator from Connecticut proceeds:

For until the Territory comes to that period when it is entitled to be admitted as a State it has no Magna Charta, no constitution, no election of executive or administrative officers. It is in vassalage, it is in a degraded condition. The wonder is that the people of this Territory have been so patient. Their very patience demonstrates their fitness for self-government.

Now, I read further. This is a direct answer to what the Senator from Minnesota [Mr. NELSON] so forcibly said:

Are these people to be taunted with too much anxiety to be admitted?

That is what the Senator from Connecticut said of the people from Dakota who were asking for statehood.

Are they to be taunted with having framed a constitution before the Congress of the United States told them that they might frame a constitution? Are they to be held out of the Union because they have shown their anxiety to come in; to be clothed with all the privileges and dignity of other citizens; to stand here upright in their manhood, instead of bowing down in their vassalage, by adopting a constitution in advance of the permission of Congress?

They have not come here with a constitution already adopted. They have come here in the ordinary way. They have come here pointing to what they have accomplished, to their population, to their area, to their wealth, to their capacity for government—to the splendid record they have made in that respect, and they say to us, "According to all the precedents heretofore established we are entitled to admission to the Union when we have a population equal to the unit of representation; we have it; we have nearly enough for two Representatives." They have enough, I suppose, under the rule for two Representatives. Their population amounts to almost two units of full representation, and they now want just what the people of Dakota wanted, just what all the other people who have applied for admission to the Union wanted. They want the privilege of coming in as a State in order that they may then control, untrammeled by any power from the outside, their own domestic affairs, in order that they may legislate upon their own reponsibility with respect to their domestic concerns, that their legislation may not be subjected to our supervision and our rejection, if we see fit to reject it, here in Washington, where we know but little of what the legislation should be in New Mexico or Arizona.

But I wish to quote from the Senator from Connecticut once more. It is one of the best speeches ever made in this body, and I want to put into the RECORD, as completely as I can, at least, all the points. Therefore I quote from it liberally. He said in that same speech what I now call attention to, and with it I shall conclude:

A Territorial government precedes and is in itself a pledge of statehood.

What I have been trying to prove.

When the time comes in the history of a Territory when the number and character of its people, its resources, and prospects of development are such as to satisfy Congress that statehood, if conferred, will result in wise and beneficent government, easily and gladly sustained, there should be no hesitation about admission.

There is nothing there, Mr. President, about density of population being the condition necessary to make applicable what I quoted in the opening sentences from the Senator from Connecticut in his speech in behalf of the Dakotas. Whenever there are enough people, and when that people have enough of capacity as shown by what they have accomplished, to administer a State government satisfactorily, and when they have enough of wealth to bear easily the burdens of State government, then it is the duty of Congress to give them statehood. We are not to wait until they have a million people; we are not to wait until we become satisfied that they will ever have a million people.

It is the opinion of the committee that Idaho fulfills these conditions.

I am now reading from what he said in favor of the admission of Idaho:

Its population, though it is now probably less than the unit of representation in the House of Representatives, is of a character that can be relied upon to maintain a State government according to its wisely guarded constitution. Its inhabitants, drawn chiefly from the older States, are imbued with a just idea of the duties and responsibilities of citizenship, and ardently desire an opportunity to exercise the same rights which as citizens they have hitherto enjoyed in those States.

Now, Mr. President, all that the Senator so well said in behalf of Idaho can be with equal propriety said of New Mexico and Arizona. Idaho, like Arizona, had a population somewhat less than the unit of representation, but the popoulation was of such a character, of such quality, and the wealth they had accumulated was such in amount that nobody could have any question but there could be a satisfactory State government administered if we saw fit to allow them the privilege of having it.

Now, Mr. President, I see my time is about exhausted. For the reasons I have undertaken to give I am in favor of the admission of Oklahoma and Indian Territory as one State. I am in favor, at the same time, of the admission of New Mexico and Arizona as two States. I have prepared an amendment and I have offered it providing for the striking out of all contained in the bill in regard to New Mexico and Arizona and substituting separate statehood for those Territories. If that amendment should be rejected, if the Senate should refuse to strike out, then I appeal to Senators in a sense of justice toward these people, in a sense of fair dealing toward them, to adopt the other amendment giving to each Territory a right to vote separately and independently of the other on the question whether or not there shall be a union in statehood. It seems to me that that is the very least we can be expected to do; and I hope that no Senator will hesitate to vote for what is so manifestly just and so entirely proper, and without which, it seems to me, we would be perpetrating a great injustice little short of an outrage on the people of that Territory.

Mr. HANSBROUGH. Mr. President, I have only a minute or two—I should be glad if the Senator from Ohio would give me his attention. I wish to have read at the desk a letter which I received from the Republican Territorial Committee of New Mexico. I know that the question now before the Senate is not a partisan question, but I think I should present the letter. I would be glad to have it read in connection with what the Senator from Ohio has said.

There being no objection, the letter was read, as follows:

REPUBLICAN CENTRAL COMMITTEE OF NEW MEXICO,
Santa Fe, January 9, 1905.

Hon. H. C. HANSBROUGH,
United States Senate, Washington, D. C.

MY DEAR SIR: On behalf of the Republican organization of this Territory I desire to solicit your valuable assistance toward the end that the pending Hamilton joint statehood bill in its present form be not passed. Our people are opposed to jointure with Arizona, and a constitution thereunder can not possibly pass by a vote of the people. The public debt of Arizona is nearly four times that of New Mexico; we object to being curtailed in the matter of representation in the United States Senate, and think that if we are to be admitted we should be admitted singly, within our present boundaries and under our present name. The Territory which now comprises Arizona and New Mexico was divided in 1863 by Congress for the reason that it was

considered too large to be under one Territorial government; it seems strange that after the growth we have attained since that time that Congress should now believe that we are too small for one State, when more than forty years ago we were considered too large for one Territory. There is nothing in common between the people of the two Territories, and no ties either—politically, socially, or commercially—which would tend to make a harmonious State, but on the contrary a deep rooted feeling existing with the people of each Territory which is antagonistic to each other, and any jointure would be repugnant to the people of both Territories. This question has been brought up in our Territorial conventions, and at the last election our Delegate to Congress was elected upon a specific declaration and pledge, which was mailed to every voter in the Territory, providing that the Republicans would favor statehood for New Mexico within her present boundaries. Our people all feel that you are one of the Territory's best friends in this matter, and we shall feel under additional obligations to you if you will use your good offices in our behalf at this time.

Very truly, yours,

H. O. BURSUM,
Chairman Republican Territorial Central Committee.

Mr. GALLINGER. Mr. President, I submit a proposed amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. BATE. I should like to have the amendment read. We will not get it in print before to-morrow.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 7, line 8, after the word "question," insert the words "in each of said Territories."

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore (at 2 o'clock p. m.). The hour of 2 o'clock, to which the Senate sitting as a court of impeachment adjourned, has arrived. The Senator from Connecticut will please take the chair.

Mr. PLATT of Connecticut assumed the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senate is now in session for the trial of articles of impeachment presented by the House of Representatives against Charles Swayne. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms made the usual proclamation.

The PRESIDING OFFICER. If the managers on the part of the House are in attendance, the Sergeant-at-Arms will notify them.

At 2 o'clock and 2 minutes p. m. the managers on the part of the House of Representatives (with the exception of Mr. OLMSTED) appeared, and they were conducted to the seats assigned them.

Mr. Higgins and Mr. Thurston, counsel for respondent, entered the Chamber and took the seats assigned them.

The PRESIDING OFFICER. The Journal of the Senate sitting in the impeachment trial will be read.

The Secretary read the Journal of the proceedings of the Senate sitting for the trial of the impeachment of Charles Swayne of Friday, February 3, 1905.

The PRESIDING OFFICER laid before the Senate the following resolution from the House of Representatives, which was read:

Fifty-eighth Congress, third session. Congress of the United States.
In the House of Representatives.

FEBRUARY 6, 1905.

Resolved, That a message be sent to the Senate by the Clerk of the House informing the Senate that the House of Representatives has adopted a replication to the answer of Charles Swayne, judge of the northern district of Florida, to the articles of impeachment exhibited against him and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House, any subsequent pleadings they shall deem necessary.

Attest:

A. MCDOWELL, *Clerk.*

The PRESIDING OFFICER. Have the managers on the part of the House anything to present?

Mr. Manager PALMER. I offer the replication which was adopted by the House, as stated in the resolution which has just been read. It is as follows:

Replication by the House of Representatives of the United States of America to the answer of Charles Swayne, judge of the United States in and for the northern district of Florida, to the articles of impeachment exhibited against him by the House of Representatives.

The House of Representatives of the United States have considered the several answers of Charles Swayne, district judge of the United States in and for the northern district of Florida, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantage of exception to the insufficiency, irrelevancy, and impertinency of his answer to each and all of the several articles of impeachment exhibited against the said Charles Swayne, judge, as aforesaid, do deny each and every averment in said several answers or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charged against said Charles Swayne in said articles of impeachment or either of them and for replication to said answer do say that said Charles Swayne, district judge of the United States in and for the northern district of Florida, is guilty of the high crimes and misdemeanors mentioned in said articles, and that the House of Representatives are ready to prove the same.

J. G. CANNON,
Speaker of the House of Representatives.
A. MCDOWELL,
Clerk of the House of Representatives.

The replication was handed to the Secretary.

The PRESIDING OFFICER. The replication will be printed. Have the managers anything further to offer?

Mr. Manager PALMER. Nothing to offer to-day, sir.

The PRESIDING OFFICER. Have counsel for the respondent anything to offer?

Mr. HIGGINS. Should we be advised there is anything further to offer we assume it can be done without a formal meeting of the Senate. It would be merely to join issue, in technical phrase.

The PRESIDING OFFICER. It may, under the order which has already been adopted, be filed with the Secretary.

Mr. BACON. Mr. President, I ask for the adoption of the following order relative to the adjournment of the Senate sitting as a court.

The PRESIDING OFFICER. The order will be read.

The order was read, and agreed to, as follows:

Ordered, That the Senate sitting in the trial of impeachment of Charles Swayne adjourn until Friday, the 10th instant, at 1 o'clock p. m.

The PRESIDING OFFICER (at 2 o'clock and 10 minutes p. m.). The Senate sitting in the trial of the impeachment of Charles Swayne stands adjourned until the 10th day of February at 1 o'clock p. m.

The managers on the part of the House and counsel for the respondent retired from the Chamber.

The PRESIDENT pro tempore resumed the chair.

LAND IN ST. AUGUSTINE, FLA., FOR SCHOOL PURPOSES.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as the "Moat," for school purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the word "Florida," in line 4, page 1, to and including the word "school," in line 3, page 2, and in lieu thereof to insert the following:

Bounded by lines as follows: Commencing at a point north sixty-three degrees nine minutes west one hundred and thirty-two and eighty-six hundredths feet from a stone monument on the boundary line of Fort Marion Reservation, distant twenty and eighty-three hundredths feet east of the city gates and on the production eastward of a line following the north face of said gates, running thence south eighty-two degrees twenty-nine minutes west two thousand three hundred and ninety-three and forty-nine hundredths feet, more or less, to a point north seven degrees thirty-one minutes west one hundred and twenty-one feet from the intersection of the south boundary line of the United States reservation known as "The Lines" with the west boundary of Malaga street; thence south seven degrees thirty-one minutes east seventy-five feet; thence north eighty-two degrees twenty-nine minutes east two thousand three hundred and ninety-three and forty-nine hundredths feet, more or less; thence north seven degrees thirty-one minutes west seventy-five feet to the point of commencement (courses magnetic, variation two degrees thirty minutes east); also all that portion of the said "Lines" from Malaga street west to the San Sebastian River be, and the same is hereby, vested in the board of public instruction of Saint Johns County, Florida, and its successors in office forever, on condition that the said board of public instruction of Saint Johns County, Florida, lay a suitable drain from a point on Fort Marion Reservation near the city gates to the Matanzas River, said drain to be approved by the Chief of Engineers and the work to be executed under the supervision of the local engineer officer; and the said board of public instruction of Saint Johns County, Florida, is hereby authorized to sell and convey so much of the western portion of said strip of ground as will enable said board to reclaim the eastern portion thereof to make said eastern portion available for the erection thereon of a public school building and to provide commodius playgrounds in connection with said school.

So as to make the bill read:

That the title to the piece or strip of Government land in the city of St. Augustine, Fla., bounded by lines as follows, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as 'The Limes,' for school purposes."

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, before beginning my remarks, I will send to the Secretary's desk and ask to have read a letter from Director Walcott, of the Geological Survey, covering certain scientific phases of the question now before the Senate. The impartiality of Director Walcott's treatment of these facts will, I have no doubt, impress the entire Senate. I ask that the letter be read at this time rather than later, because to have it read during my argument might interrupt it and because it contains important statements to which I shall in the course of my remarks refer. I ask the Senate's particular attention to the author's comment on the continental divide, to which frequent and extended reference has been made in the course of this debate, and also to the statement as to the possible increase of population in the two Territories of New Mexico and Arizona, assuming that all suggested irrigation projects are successful. The italicized portions of this letter were made so by me.

The PRESIDENT pro tempore. In the absence of objection the communication referred to by the Senator from Indiana will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., February 2, 1905.

HON. ALBERT J. BEVERIDGE,
United States Senate, Washington, D. C.

SIR: In reply to your request for a statement concerning the principal physical and cultural features of Arizona and New Mexico, I send herewith facts relating to the geography and topography of these two Territories.

AREA.

The area of Arizona is 112,920 square miles and that of New Mexico is 122,460 square miles. The combined area is 235,380 square miles. A State of this area would be second in size in the United States, being about 10 per cent less than Texas, which lies to the east and has an area of 262,290 square miles. The next State in size would be the neighbor to the west, California, which has an area of 156,172 square miles. Next to this is Montana, with an extent of 145,310 square miles.

TOPOGRAPHY.

In general topographic conditions these adjacent Territories present many forms of similarity. On the north they include a considerable part of the broad plateau of the Continental Divide, this plateau gradually decreasing in altitude toward the south. Both Territories are crossed by the Santa Fe Railroad, which has sought the lowest mountain passes, and on the south by the Southern Pacific, which has to a large extent avoided the mountainous areas on the north and does not reach a notably high altitude.

The Continental Divide, or line of watershed separating the heads of the rivers flowing into the Gulf of Mexico and into the Gulf of California, is in the States to the north very sharply defined by the summits of the Rocky Mountain range. Coming southerly these mountains lose their distinctive character as a range and die down *into the great plateau which covers a great part of the northern end of these Territories.* The Continental Divide crossing New Mexico is not as a whole a sharp well-defined line, but meanders somewhat indefinitely across the broad plateau at the head of Gila River. In fact considerable judgment must be used in drawing the dividing line, as there are almost innumerable small mountain masses from which streams flow in various directions and which do not unite with the rivers flowing either to the east or to the west, their waters being lost in the broad plains surrounding the mountains.

BOUNDARY LINE.

The present boundary line between Arizona and New Mexico is wholly arbitrary and might have been drawn anywhere. It has been located 32° west of the meridian of Washington and about 2¼ miles west of 109° west of the Greenwich meridian. On the north it traverses a group of mountains of no considerable height, the Carrisos, then crosses undulating desert plateaus for 150 miles, then passes through another mountain group, the Mogollon, south of which are again desert plains. *There is no natural barrier between the Territories.*

POPULATION.

The total population of Arizona in 1900 was 122,931, and the density of population *was 1.1 persons per square mile.* The Territory stood No. 49 in the list of rank in population. New Mexico in that year had a population nearly twice as great, or 195,310, with a density of *1.6 persons per square mile* and stood No. 45 in rank in population.

The combined population in 1900 was 318,241. This would bring the State formed by the combination of the Territories as *No. 42 in rank in population*, the total population being a trifle less than that of North Dakota, and somewhat more than the population of the District of Columbia.

Taking the total white population, excluding the Indians, negroes, etc., the white inhabitants of Arizona numbered 92,903 and of New Mexico, 180,201, a total of 273,110.

Of the white population of Arizona of 10 years of age and upward, 14.9 per cent were illiterate and of those of New Mexico 29.9 per cent. It is probable that the illiterates were in a large degree of Mexican descent. The illiteracy is high as compared with the adjacent States on the north, Colorado, 3.8 per cent, and Utah, 2.2 per cent.

Emigration from Mexico on the south has been large. In Arizona there were found in the last census 14,172 persons and in New Mexico 6,649 born in Mexico. In New Mexico nearly one-half the foreign born and in Arizona more than half were from Mexico. The development of mining is one of the principal inducements for the influx of population.

IRRIGATION.

The rain-fall throughout the two Territories is small, and does not average over *15 inches in New Mexico or 10 inches in Arizona. Agriculture is dependent almost wholly upon the artificial application of water.* There are some exceptions to this in the high plateaus in the northern part of the two Territories, where so-called dry farming is practiced at altitudes of from 6,000 to 7,000 feet and upward. Here the crops of the north temperate zone, especially those adapted to resisting drought, are frequently raised with success. The amount of land cultivated without irrigation, however, will probably never be any considerable percentage of the total area of these Territories.

Future agricultural growth and development is very largely dependent upon irrigation. This in turn is dependent upon the ability to store the flood waters as the ordinary flow of practically all of the streams has already been put to beneficial use. *Any notable increase in agricultural development rests largely upon the efforts of the Government through the operation of the reclamation act of June 17, 1902.* Under the terms of this act the reclamation service has been systematically studying the streams, and the available water supply and has been bringing together facts upon which to base plans for structures. Construction has already been begun on the Salt River, in Arizona, and on the Hondo River, a tributary of the Pecos, in New Mexico.

Careful surveys have also been made along the Rio Grande, where the situation is peculiar owing to the interstate and international character of the waters. The lands under cultivation along this river already exceed in extent the possibility of supply in ordinary years by the low-water flow and considerable loss and suffering has already resulted from lack of water, as has been the case in the Salt River Valley in Arizona. On the Rio Grande, however, the situation is complicated by the claims of Mexico to the water and acting under the advice of the State Department the Secretary of the Interior has refused for many years to permit grants of right of way for storage works on these streams pending the settlement of the Mexican claims.

The measurements of the flow of the Rio Grande show that there is *only sufficient water for one large reservoir, and upon the proper location of this reservoir depends largely the agricultural development of New Mexico.* If the reservoir is placed at the extreme lower end of the Territory, the agricultural population in the Rio Grande Valley can not notably increase. If, however, the dam is placed higher up, it will be possible to irrigate from 80,000 to 100,000 acres of land in New Mexico.

The irrigation census of 1902 shows that there were in Arizona 3,867 irrigated farms, with a total extent of 247,250 acres. In New Mexico the number of irrigated farms was 9,285 and the irrigated area 254,945 acres. There were nearly three times as many farms in New Mexico, but the total acreage was not much larger than that in Arizona. This large number of farms is due to the inclusion of a great many small tracts cultivated by Mexicans. The total irrigated area in the two Territories was 502,195 acres, an area a little less than that in the State of Nevada. The probability of increasing this acreage rests, as before stated, largely upon the possibilities of water storage. These are as follows:

Near Las Vegas a tract of 10,000 acres, all in private ownership, may be reclaimed by the construction of a reservoir to conserve the waters of Gallinas and Sapello creeks and the building of distribution works at an estimated cost of $55 or $60 per acre.

On Pecos River, near the town of Roswell, there is under construction under the reclamation act what is known as the Hondo project to reclaim 10,000 acres at a cost of $280,000 or $28 per acre.

A reconnaissance has also been made of what is known as the Urton Lake project for storing the waters of Pecos River to reclaim 50,000 acres at an estimated cost of $40 per acre.

On the Rio Grande the Engle dam may be built and distributing system impounding water for 180,000, about 100,000 acres of which is in the Mesilla Valley, in New Mexico, the remainder being in Texas.

On the headwaters of San Juan River about 30,000 acres of land may be irrigated by diverting the Animas at an estimated cost of $30 per acre.

In the southern part of Arizona, on the Salt River, it is expected that water can be furnished for 180,000 acres of land in the vicinity of Phoenix at a cost of $3,600,000. This 180,000 acres includes much of the land already partly irrigated by the present supply.

Along the Colorado River, in the vicinity of Yuma, 85,000 acres in Arizona can be irrigated from the Laguna dam and canal system, for which $3,000,000 has been provisionally set aside. The estimated cost is $35 per acre. Also, along Colorado River, on Arizona side of the stream, are considerable areas of valley land, having an estimated additional acreage of 200,000, and these will probably be reclaimed in the future, when the waters of the Colorado River have been thoroughly controlled. In northern Arizona the torrential floods of the Little Colorado and other streams may possibly be controlled in part, and upward of 100,000 acres supplied.

Recapitulation of possible reclamation works in New Mexico and Arizona.

Territory.	Project.	Acres.	Cost.
Arizona	Salt River	180,000	$3,600,000
	San Pedro	20,000	800,000
	San Carlos	50,000	2,000,000
	Colorado	300,000	10,000,000
New Mexico	Hondo	10,000	280,000
	Urton Lake	50,000	2,000,000
	Rio Grande	100,000	4,000,000
	La Plata	30,000	1,000,000
	Las Vegas	10,000	60,000
Total		750,000	23,740,000

As shown by the above approximate estimates *it may be possible within the next decade or generation* to bring under irrigation in these two Territories 750,000 acres or about one and one-half times as much land as is now irrigated.

The present irrigated acreage in the two Territories is approximately one-half million acres, and the number of white inhabitants a little less than 275,000 or nearly 1 white inhabitant to 2 acres irrigated.

The comparisons of the present irrigated areas with the areas to be irrigated under the reclamation act are subject to qualification on account of several important considerations. The areas now under irrigation are in most cases dependent upon a precarious water supply, and the lands produce only a portion of the products possible with a complete water supply. Under projects constructed in pursuance of the reclamation act ample water supply will be available, making it possible for a larger number of people to make a satisfactory living upon corresponding areas.

Furthermore, the natural result of the provisions of the reclamation act is to induce more intensive cultivation, more valuable crops, and larger returns. It

s evident, therefore, that the foregoing estimates of increase of population are far below the possibilities of the future.

There are in the more densely settled irrigated countries localities where the irrigated land supports a person to the acre, and with a million acres under irrigation in the future in these *two* Territories, *it is only reasonable to expect that there* WILL BE *opportunities to furnish homes for a million white inhabitants, a population as large as that now living in the State of Nebraska.*

Very respectfully, CHAS. D. WALCOTT, *Director.*

NATION BUILDING.

Mr. BEVERIDGE. Mr. President, the pending bill, if enacted into law, will be a stage in the building of the nation. For it affects, not only abundantly populated Oklahoma and Indian Territory and sparsely populated New Mexico and Arizona. It does not even affect them chiefly. It chiefly concerns the nation. It principally affects the American people. The interests of the Republic's 80,000,000 to-day and of the Republic's 200,000,000 to-morrow are infinitely more important than the alleged interests of the comparatively few inhabitants now living within the Territories which this bill proposes to erect into new States.

And, Mr. President, this bill does not affect the nation for to-day only, nor for this generation, but for all time to come. Most of the people now living in these Territories will in fifty years have perished from the earth; but the nation will never perish from the earth. And so the effects of this bill are as eternal as the nation is immortal.

Before considerations so large, so lofty, and so everlasting the plans of gentlemen who want to see offices created that they may fill them, of property owners seeking to escape anticipated taxation, of railroad interests working for temporary and immediate ends, sink into insignificance and nothingness.

CONGRESS ABSOLUTE IN NATION BUILDING.

It was because the fathers knew that the making of new States is the chief method of the building of the nation that the Constitution has given to the nation through the national legislature—the Congress—absolute, plenary, unlimited power over territory belonging to the United States and the creation of States out of that territory.

Yet, Mr. President, it has been said repeatedly in this debate that territorial lines drawn by Congress through territory belonging to the United States actually limit the power of Congress given it by the Constitution; that the inhabitants living within the lines which Congress has drawn around certain territory of the United States have vested interests superior to the interests of the remainder of the inhabitants of the nation and paramount even to the Constitution.

This Senate is confronted with the grave proposition that it is for the people now living in Territories to say what shall be the relation that all future inhabitants who live in those Territories shall bear to the myriads of millions of the other citizens of the Republic for a thousand years to come. Worse than that, Mr. President, it is said that not only shall those who live in these Territories fix this everlasting relation to the rest of the nation, but that they shall not themselves be heard, and that instead we shall take the representations as to what they want made to us by some person who assumes to speak for them. Those who are opposing this measure confront the Senate with this paradox: First, that the people of the Territories, instead of the nation, should fix their permanent relation to the remainder of the United States; and yet, second, that the people of those Territories shall be denied tne opportunity of voting upon that very proposition.

I repeat, Mr. President, that the Constitution gives to Congress the absolute power to impose any condition upon people of a Territory which it is erecting into a new State. It may fix boundaries where it will; it may determine numbers as it will; it may impose any condition not expressly prohibited by the Constitution itself. When the Constitution was adopted nobody thought of saying that the people of the Territory, which in the future might be added to the Union, should be consulted. Had that been in the mind of the framers of the Constitution, they could have added a few words that would have settled that—for example, these words, "with the consent of the people living within such Territories."

Why, Mr. President, the first proposition in the Constitutional Convention was that new States should be admitted only when two-thirds of both Houses of Congress had consented. Finally it was modified to its present form, giving to a majority of Congress absolute power. Why? Because not one man in the Constitutional Convention ever considered State making as anything but a method of nation-building. Not a man in the Constitutional Convention ever considered that anything should be taken into consideration in the creation of a new State of this Union except the interests of the nation, which are paramount to the interests of the people of the new State, which should be subordinated to the interests of the nation.

That was an absolute, arbitrary power. But it has been modified wisely, I think, by a custom more in keeping with the spirit of our institutions. Since the Ordinance of 1787 until to-day the practice has grown up of consulting the people whom the nation proposes to take into statehood. That usage, wise and harmonious with American institutions, nevertheless, in the course of time became corrupted. It became corrupted, first, by Congress taking the statements of individuals—chiefly politicians, chiefly men who were interested in filling the offices of the proposed new State—as to what the people wanted, instead of taking the statements of the people themselves as to what they wanted. That was the first method of corrupting this excellent rule which was superimposed upon the Constitution itself.

Then again, the custom was established, and I think it explains a good deal that has gone on in State making, of taking in States as war measures, and sometimes—we all might as well admit it—as partisan measures. But that period has passed, and the American people through their Congress are returning to the two great statesmanlike ideas of the fathers with reference to the making of a State—first, that the interests of the nation are paramount, and second, that the new State shall be noble in area and so generously populated that her admission will not be an injustice to the sisters among whom she comes, and that it will not be a denial of the principle that this is a government of the people, by the people, and for the people.

NEW STATES HAVE BEEN PROGRESSIVELY LARGER.

Mr. President, that is no idle statement, because in 1787, when the first ordinance concerning statehood was ever drawn, an instrument second in dignity only to the Constitution itself, this nation had less than four million inhabitants. And yet at that time when the whole nation had only four million inhabitants the fathers said that sixty thousand people were necessary to make a State. First it was proposed that ten thousand should be enough, and that was rejected. Then it was proposed that twenty thousand should be enough, and that was rejected, and finally the ordinance of 1787 fixed sixty thousand people as the unit of statehood at a time when the entire population of the Republic was less than four million.

Not only that, but in the creation of the boundaries of new States the fathers determined this principle—that a State should be great in area and symmetrical in proportion. And so out of the Northwest Territory, at that time a wilderness, instead of making ten States, as Mr. Jefferson proposed, the fathers in the ordinance of 1787 made five States, any one of which at that time was much larger than the State of Texas is to-day. Because when Illinois, Indiana, Ohio, Wisconsin, and Michigan were provided for it took longer to cross either one than it now takes to go from Portland, Me., to San Francisco, Cal.

And so we see, Mr. President, that from the first, from the very beginning, the fathers fixed the idea that States should be progressively larger instead of smaller, as the Senator from Ohio said this morning, and that idea was kept up in the unit of population, which in the Kansas case was fixed, I think, at 120,000, and also in area and in boundaries to the present time. Therefore we find at the outset that this bill is harmonious with the spirit and the letter of the Constitution, and is in full accord with all the precedents which the fathers established in the ordinance of 1787.

Mr. President, with this laid down as our premises and considering the question of the creation of States as a mighty national business, let us consider the reasons for and against the creation of two States out of the four Territories now under consideration. They are not to be considered as a little local matter. They affect the people of Indiana and of Maine and of Ohio and of Oregon and of Washington as much as they do the people living in the Territories, because they, together with the representatives from the remainder of the States, must vote on every law and must help decide every policy, foreign and domestic, that this Republic shall adopt for a thousand years to come.

Mr. President, in discussing the bill itself I wish first to call attention to the fact that the bill in both of its provisions illustrates the growth of an idea, and in all the world there is nothing so impressive or irresistible as the growth of an idea in the minds of men. This is illustrated, I say, by both provisions of this bill; by the first, which makes one State out of the Territory of Oklahoma and Indian Territory, and by the second part of the bill, which makes one State out of New Mexico and Arizona.

GREATER OKLAHOMA.

Two years ago the majority of the Committee on Territories brought into the Senate as a substitute for the then pending measure a bill uniting Indian Territory and Oklahoma. At the time that thought was presented it found chill reception in this body. It was resisted by most of the politicians both in the Indian Territory and in Oklahoma, and the country received it with indifference. Two years have passed. Nothing has been done in its behalf. No propaganda has been conducted to further that idea. It has depended only upon its own vitality. But the idea was lodged in the minds of the people of those two Territories, and it has grown until it has formed an irre-

sistible power, so that the people of these Territories themselves to-day are a unit upon this question, and the politicians there, in obedience to the universal public demand, have also agreed upon it.

Not only that, but the idea of single statehood captured the country, and I hold here in my hand editorials from papers all over this nation advocating this course, regardless of party. In addition, the idea has grown until in this body itself it receives almost the overwhelming approval of Senators. And now we are to have a single magnificent State made by the reunion of these two Territories, a commonwealth unsurpassed in the Republic in generous resources, delightful climate, and a splendid citizenship—for such is the greater Oklahoma for which this bill provides and the only Oklahoma that is possible to be made a State.

Mr. President, what is true in reference to Oklahoma and the Indian Territory is true also with reference to New Mexico and Arizona. In the House three years ago the proposition was advanced to join New Mexico and Arizona, and that proposition was argued at length with great ability. The Senator from California [Mr. BARD], who made the first speech upon this question, and the address which has been used as a text for all the other speeches we have heard, stated that this proposition had never been heard of before; that it never had been presented in either branch of Congress; that only at the last session it was suddenly reported from the committee, and more suddenly passed by the House. The Senator had but to consult the CONGRESSIONAL RECORD for only one Congress before to have found that precisely this idea was advanced by Mr. OVERSTREET, of Indiana, in an amendment offered to the then pending omnibus statehood bill; and yet the Senator has told us that the thought was never heard of before.

Mr. President, in the session before the last Mr. OVERSTREET, of Indiana, presented an amendment to the then pending bill which provided for the joinder of New Mexico and Arizona, precisely as the second portion of this bill does. It was supported in debate by Mr. OVERSTREET and by Mr. LACEY, of Iowa, with a wealth of information, with logic so irresistible, that in the course of two years it was carried by a considerable majority. So we find that both sections of this bill have triumphed merely by the growth of an idea, and each within the House where it originated and in about the same period of time—the Indian Territory and Oklahoma in the Senate within two years; New Mexico and Arizona within the House in two years.

Mr. President, this bill does not propose any new thing. It proposes an old matter. The reasons why the Indian Territory and Oklahoma should be joined together were presented to the Senate very elaborately in the report of the Senate committee two years ago, and they were repeated and enlarged upon in the forceful and eloquent speech of the Senator from Kansas [Mr. LONG] on last Saturday. The Senate is familiar with them, the country is familiar with them, and they have met the approval of both. They propose the bringing in of a State which in dignity, power, resources, and population will be commensurate with her sisters, and, as I said a moment ago, will not constitute a denial of the theory that this is a Government of the people, for the people, and by the people.

REUNITING NEW MEXICO AND ARIZONA.

The bill proposes the same thing with reference to New Mexico and Arizona. There are the same reasons with reference to those two Territories why they should be joined that there are why the Indian Territory and Oklahoma should be reunited. For at this point I call the attention of the Senate to the fact that this bill does not propose to make any new State lines. This bill proposes to restore the original boundaries. It does not propose to create any new, fantastic, or unusual lines of boundaries. It proposes to reunite what was once united. It proposes to tear down the artificial boundary between Oklahoma and the Indian Territory and restore it as it once was. It proposes to take away the temporary and artificial boundary between New Mexico and Arizona and make it as it once was. For we all know that originally the Indian Territory and Oklahoma were one. This bill proposes to make them one again. We all know that Arizona and New Mexico were once one. This bill proposes to make them one again. It proposes to reunite them and again make them one, as nature has made them one.

I say as nature has made them one, because everybody admits that nature has made the Indian Territory and Oklahoma an industrial and a physical unit, and the same thing is true of New Mexico and Arizona, to the contrary of the statement of the Senator from Ohio. This will appear startling at first only because of the inaccuracies that have been indulged in from the very beginning of this debate.

NO NATURAL BARRIER BETWEEN NEW MEXICO AND ARIZONA.

First of all it has been said that these Territories ought not to be reunited because there is a natural division between them; because there is a mountain range which is the command of nature that they should be separated. I had read at the beginning of my remarks this afternoon a letter from Director Walcott which showed that that is entirely inaccurate. Where the Senators who gravely made the statement that the continental divide separates New Mexico and Arizona got their information I do not know. They certainly never got it from any scientific work; they never received it from any scientific authority. I assume that they took it without examination from parties who want to defeat this measure.

I have had made and have here a map which illustrates this fact beyond peradventure. It is a map made by the geographer of the Census Department, and I call the attention of Senators to this fact, because it has been repeated by every Senator who has opposed this bill that we are attempting here to do violence to nature, and that we seek to reunite Territories which nature has separated by the continental divide.

Here [pointing] is a map, a scientific map, an accurate map, of the two Territories. The imaginary line which divides them runs where this pointer points [indicating]. That is the boundary line between the Territories. Now, the continental divide which Senators, not upon any scientific authority and without sufficient examination, have unintentionally told the Senate separates the two Territories runs where this black line runs [indicating].

Any Senator might have found this out for himself by examining a map showing which way the waters run. This [indicating] is the continental divide, not touching at any point the boundary line between the two Territories. What is the continental divide? It is not a mountain range as stated here. The continental divide is a large plateau, so level upon its surface that the water, uncertain where it shall run, often gathers in pools or lakelets and evaporates.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I interrupt the Senator only to say that I said nothing about the continental divide.

Mr. BEVERIDGE. I know you did not.

Mr. FORAKER. I was talking about the range of mountains that divides the two Territories.

Mr. BEVERIDGE. I will come to that in a moment. Other Senators have spoken of the continental divide.

Mr. FORAKER. It is a range of mountains which makes the means of communication between the two Territories unreasonably inconvenient.

Mr. BEVERIDGE. I will come to the statement of the Senator from Ohio. The Senator from Ohio will observe that I did not attribute to him any statement about the continental divide.

Mr. FORAKER. But the Senator said that everyone who had spoken on the other side of this bill had said that.

Mr. BEVERIDGE. I will exclude the Senator from that, and will come in a minute to his statement about the mountains.

Mr. BARD. I said nothing of the continental divide.

Mr. BEVERIDGE. In the face of these denials perhaps it is not necessary to make any argument in relation to the statement that nature has separated these two Territories.

Mr. FORAKER. It does not make any difference whether it is the continental divide or some other range of mountains.

Mr. BEVERIDGE. Not at all.

Mr. FORAKER. The contention is that there is a natural obstruction standing in the way of easy intercommunication between the Territories, consisting of a mountain range that practically runs along the line of the division; and whether it is the continental divide or not, it answers the same purpose.

Mr. BEVERIDGE. If it is so, that is an important question—if it is so.

Mr. FORAKER. I say whether it be exactly on the line or not, if it be between the two Territories it serves the same purpose.

Mr. BEVERIDGE. To be sure, it serves the same purpose if the statement is accurate—if it is so. Is the statement so? That is the question. I intend to show the Senate that the statement is as inaccurate as the statement unintentionally made by the Senator from California that this proposition had never been heard of before, when it was introduced only in the Congress preceding the one that he mentioned and elaborately debated there.

Mr. BARD. Will the Senator allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. BARD. I referred only to the history of this bill in the present Congress, and I said that then for the first time the joining of the two Territories was introduced in the committee.

Mr. BEVERIDGE. I think if the Senator will refer to his speech, to which I listened with a great deal of pleasure, he will find it stated—and if I am wrong I will be delighted to be corrected by him—that this thought had never before been presented in Congress. There was no point to the Senator's representation if it was not, because if it had been introduced in prior Congresses, what was the Senator's objection upon the ground that this was a new propo-

sition? The whole point of the Senator's objection on that point was that it was a new and novel proposition hurried through the committee and through the House.

Mr. BARD. Will the Senator permit me?

Mr. BEVERIDGE. Very gladly. I wish to do the Senator justice.

Mr. BARD. I said this:

No bill of the kind was ever introduced in either House of Congress until this bill was brought out of the committee by the chairman of the House Committee on the Territories.

Mr. BEVERIDGE. That is what you said.

Mr. BARD. It was confined entirely to the history of this bill.

Mr. BEVERIDGE. That is what the Senator said. Will he read it again. "No"——

Mr. BARD. (Reading:)

No bill of this kind was ever introduced in either House of Congress until this bill was brought out of the committee by the chairman of the House Committee on the Territories.

Mr. BEVERIDGE. Precisely. I did not think I could not accurately remember what the Senator so pointedly said.

Mr. BARD. The context shows that it was an attempt to give the history of this legislation and that the Committee on Territories in the House had not been asked by either Arizona or New Mexico to bring in such a proposition.

Mr. BEVERIDGE. I stand upon what the Senator said; I stand upon what the Senator has himself read from his speech. I am not intending to misrepresent the Senator or any other Senator, and when I do Senators will do me a favor by calling my attention to it. The Senator said the proposition had never been advanced before, when in the preceding Congress it had been advanced by Mr. OVERSTREET of Indiana, and supported with great ability in debate by Mr. OVERSTREET and by Mr. LACEY. I do not——

Mr. GALLINGER. Mr. President——

Mr. BEVERIDGE. One moment. I do not blame the Senator for not stating that. I said it was an unintentional omission. Certainly the Senator would not, if he knew it, make a statement which was inaccurate. Such a thing is liable to happen to any of us. But I want to get at the truth of this matter.

Mr. GALLINGER. It is not necessary that I should come to the defense of the Senator from California, but I want to be set right in this instance.

Mr. BEVERIDGE. I have not misrepresented the Senator from New Hampshire.

Mr. GALLINGER. The Senator from California said "no bill," not that it had not been spoken of in debate, not that the idea had not lodged in the mind of somebody in or out of Congress, but so far as the history of this bill was concerned, it had not been heard of until it came out of the Committee on Territories.

Mr. BEVERIDGE. Is that what the Senator understands?

Mr. GALLINGER. That is what I understand; and I understand it to be the fact.

Mr. BEVERIDGE. Very well. I will see about "the fact." The fact is that it was introduced in the preceding Congress as a formal amendment by Congressman OVERSTREET, of Indiana. That was the beginning of the history of this bill.

Mr. GALLINGER. That may be.

Mr. BEVERIDGE. When we are talking about the history of this measure, why not give the history of the measure? It is only a matter of inaccuracy, such as might occur with any of us, but we are now interested in getting at the facts concerning this measure. So, if the Senator wanted to give the history, why did he not give all of it.

The Senator from Ohio and the Senator from California have disavowed any reference to the continental divide, but certainly certain Senators have referred to the continental divide, because I have heard it referred to more than once. If other Senators want to disclaim that they have ever stated that the continental divide separates these Territories, I pause at this moment to be set right about it.

Mr. HEYBURN. Some Senators did refer to a high range of mountains that practically corresponds to the existing boundary between New Mexico and Arizona. I do not know whether they called it the continental divide or not, nor is it material. But if Senators will examine the map on the wall and examine the line of the watershed they will find that it does practically conform to that north-and-south line, and——

Mr. BEVERIDGE. I would prefer the Senator to permit me to make my speech upon that question.

Mr. HEYBURN. The Senator called for interruptions.

Mr. BEVERIDGE. I called for interruptions, but——

Mr. HEYBURN. And I am pointing out to Senators——

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Indiana is entitled to the floor.

Mr. HEYBURN. I understand the Senator has yielded to me.

Mr. BEVERIDGE. I yield to the Senator. Go ahead and make your speech.

Mr. HEYBURN. I do not want to make a speech, but I do desire an opportunity to make a courteous response to a statement made by the Senator himself.

Mr. BEVERIDGE. You shall have it from me.

Mr. HEYBURN. I call attention to the fact that there is clearly a divide between the Rio Grande River and the high plateaus, upon which there are numerous streams. There is a great elevated plane lying between New Mexico and Arizona, and an examination of the map will demonstrate that what is shown on that map as the high continental divide is not the continental divide, nor is it the range of mountains to which I referred in my remarks as dividing those two Territories.

Mr. BEVERIDGE. Oh, the Senator need not have gotten excited. I did not hear the Senator's remarks. I was away, at home, at that time. But I am willing to accept the Senator's assurance.

No person is willing to connect himself with the continental divide, so that we can take it by general consent that the continental divide is out of this debate. We can take it as a general proposition that it is not the continental divide that is the almost impassable barrier that Senators contend exists between the two Territories.

A moment ago I had read a letter from the Department of the Interior, from Professor Walcott, in which he stated that the boundary line was wholly arbitrary and that there is nothing in the way of it except the obstruction pointed out. I will show Senators, and confirm it by the Senator from New Mexico, whom I see studying the map, and who is familiar with the facts——

Mr. ELKINS. The Senator can not confirm it by me. I am not his witness. He is entirely mistaken.

Mr. BEVERIDGE. I am not surprised——

Mr. ELKINS. I am personally familiar with the ground.

Mr. BEVERIDGE. I am not surprised that the Senator has put in a general denial.

This [indicating on map] is the continental divide. I propose to show that the two Territories are as much united by nature as Oklahoma and Indian Territory are united by nature, and I propose to show that instead of there being a separation traced by the finger of the Almighty, the boundary is the most accessible line possible to be drawn between these two Territories.

This bend [indicating] is the continental divide about which we have heard so much and which when we are confronted with a map we find disavowed by Senators on every hand. This [indicating] is the continental divide, and this [indicating] is the artificial boundary at meridian 109, I believe it is. And, by the way, I stop here to point out to the Senator from Ohio the fact, when he was stating in picturesque language, tinted with the colors of the Grand Canyon of the Colorado in Arizona, that there had been a division by nature between these Territories, and that that was the reason why the line was put there in the first place; that the first division proposed between these two Territories was an east and west line which ran along here [indicating] about thirty-three thirty; and the Senator answered me in explanation of that fact by saying that was the first proposition, ignorantly made by people who knew nothing about the topography of the country——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I rise merely to say to the Senator that I used no such language, and the Senator must know I did not say anything about it being made ignorantly of the facts. I said perhaps that proposition was made like other propositions are made, without full knowledge of every consideration that should be taken into account, and when it was debated and investigated they concluded to divide in the other way.

Mr. BEVERIDGE. I am willing to take the Senator's statement that his words were "without full knowledge," instead of "ignorantly."

Mr. FORAKER. It is not a question whether the Senator is willing to take my statement. The Senator, I imagine, will be only too glad to take my statement.

Mr. BEVERIDGE. I am only too happy to take it.

Mr. FORAKER. And the Senator must not put words in my mouth which I did not utter.

Mr. BEVERIDGE. If the Senator from Ohio wants to say "without knowledge" instead of "ignorantly"——

Mr. FORAKER. I have not used any such language, and the Senator must know that.

Mr. BEVERIDGE. There is no difference between the Senator and myself.

Mr. FORAKER. Senators here heard what I said.

Mr. BEVERIDGE. They have. There is no difference between the Senator and myself.

Mr. FORAKER. There is a decided difference between what I said and what you said.

Mr. BEVERIDGE. "Without full knowledge." Is that the correct statement—that "without full knowledge" the line at thirty-three thirty was drawn?

Mr. FORAKER. No; I did not even say that.

Mr. BEVERIDGE. I am perfectly willing to admit that the Senator did not say anything whatever about the subject.

Mr. FORAKER. Mr. President——

Mr. BEVERIDGE. The Senator can make his statement.

Mr. FORAKER. What I said will appear in the RECORD just as I said it. The Senator interrupted me to say that the first line was drawn east and west, a fact with which we are all familiar, and that they afterward changed it to run north and south, and that that was an indication that the mountain barrier had nothing to do with it. I said that the debate disclosed the fact that after consideration they concluded that that was the preferable boundary line and divided it north and south instead of east and west. I did not speak about anybody being ignorant or lacking full knowledge. I simply stated what is the fact of history in that regard.

Mr. BEVERIDGE. I certainly was not wrong in understanding the Senator to refer to this boundary line north and south when he was saying that there was a natural boundary line——

Mr. FORAKER. I said the debates disclosed the fact that that was one consideration for locating it there.

Mr. BEVERIDGE. Yes.

Mr. FORAKER. Is not that true? Does not the debate in this very body contain that statement by Senator after Senator who spoke on the subject?

Mr. BEVERIDGE. Not that I have seen, and I have read the debates on that question very carefully. However, it is immaterial what the Senator said, or what I understood him to say. The fact is the important thing. Let us get the fact. The first dividing line was east and west, and not north and south. And that shows, if it was made by any person who had knowledge of that country, that there was not any natural boundary where this line runs north and south, because they ran it east and west. And if there had been a natural boundary line north and south certainly they would not have fixed it east and west at thirty-three thirty, instead of where it is now, at the 109th meridian.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. For a question.

Mr. HEYBURN. I only desire to ask a question. Was there an east and west line established? If so, by whom?

Mr. BEVERIDGE. No; proposed.

Mr. HEYBURN. Oh, that is different.

Mr. BEVERIDGE. It was proposed in the first bills that were introduced into this body, and it was proposed in every bill introduced in this body, and I shall come to all of those bills before I am through, except the last one which passed and which, as the letter from Professor Walcott, of the Department of the Interior, says, is fixed on the dividing line at meridian one hundred and ninety.

Now, I wish to get through about the line 33° 30′. That was proposed by people who lived there; so it shows that there was and is no dividing line. All the bills that came into this body proposed 33° 30′ until the last, and that arbitrarily proposed the present boundary line.

NO NATURAL BARRIER BETWEEN NEW MEXICO AND ARIZONA.

Mr. President, not only does the continental divide not touch at any point this boundary line, but I wish to describe it for a moment in order to show how the proposed State is a physical unit much more than the Territory of New Mexico itself, much more than the Territory of Arizona itself. I want to show what is the nature of the continental divide—what is the nature of this boundary line, and where the other "divides" are, one of which I am sure the Senator must have been informed about, instead of the continental divide.

The continental divide is, as this letter shows, not a range of mountains at all. It is a high plateau. It is so level on the top in most of its course that water stands uncertain where to run and is often collected in pools and lakelets, there to stay until it is evaporated. The streams meander idly until finally they take their course. The continental divide gradually slopes off toward the west into a long and somewhat sandy plain. It is across this plain that the boundary line between New Mexico and Arizona runs.

Four railroads cross that boundary line, the Santa Fe, Lordsburg and Clifton, Southern Pacific, Phelps-Dodge Company's road, and another is now building; and when the one that is now building—the Magdalena branch of the Santa Fe—is finished, it will run into Phoenix. The Senator talks of distances. By this new road it will be little longer from Phoenix, the capital of Arizona, to Santa Fe, the capital of New Mexico, than it is diagonally across the State of Ohio or the State of Indiana.

This, then, is the nature of the country. This is the imaginary boundary line [indicating], and I am informed upon credible authority, authority which has had the sanction of print, that there is no point at any 5 miles along that boundary line which could not readily be crossed by a horse and wagon.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. I certainly do.

Mr. FORAKER. I rise to ask the Senator, who has given us a great deal of information about this range of mountains, if he can tell us how high the range is that he has been talking about——

Mr. BEVERIDGE. I will.

Mr. FORAKER. At the point where these railroads cross.

Mr. BEVERIDGE. I have it exactly.

Mr. FORAKER. And will he tell us whether it is true or not, as stated by me in argument this morning, that where the Santa Fe crosses it is a little more than 7,000 feet high, and they cross at the lowest point they could find anywhere within the range through which they wanted to run?

Mr. BEVERIDGE. Does the Senator want me to answer his question, or does the Senator want to answer his own question?

Mr. FORAKER. I ask the Senator if he can tell us?

Mr. BEVERIDGE. I will gladly do so. In fact, I was just coming to that point.

I wish the Senator and other Senators would wait until I get through with this statement and find out just exactly what this 7,200 feet means. The Santa Fe crosses the dividing line at this point [indicating], and at that point it is 7,200 feet high. The Lordsburg and Clifton crosses a little farther down at this point [indicating]. At that point it is 5,500 feet high. The Southern Pacific crosses at this point [indicating], and at that point it is 5,500 feet high. The Phelps-Dodge line crosses at this point [indicating], and at that point it is 4,000 feet high. Four thousand, 5,000, 7,000 feet above what, Mr. President? Above sea level.

Mr. FORAKER. That was the statement I made.

Mr. BEVERIDGE. But when the Senator recollects that the whole of New Mexico, excepting only in the Rio Grande Valley and the valley of the Pecos, is a great plateau, from 4,000 to 5,000 feet high, he sees that the 5,500 feet elevation and the 7,000 feet elevation above the sea does not mean very much elevation above the country itself.

Mr. FORAKER. Only 2,000 feet.

Mr. BEVERIDGE. Only 2,000 feet; and the Senator has in his own beautiful State of Ohio higher grades than that.

Mr. FORAKER. That is all anybody has claimed.

Mr. BEVERIDGE. No; the Senator was claiming that it was 7,500 feet above the sea.

Mr. FORAKER. Mr. President——

Mr. BEVERIDGE. Pardon me. The Senator has spoken of an elevation of 7,500 feet above the sea, and the impression left upon Senators' minds, I am sure, was that here was a range 7,500 feet high over which this road had to pass; but it is manifest it had to pass over an elevation of only 2,000 feet above the common level of the country.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. My statement was an explicit one—that it was 7,000 feet above sea level, not above the plateau, of course.

Mr. BEVERIDGE. Certainly the Senator made an absolutely accurate, scientific statement; but the impression left on Senators was, and I am sure I am right about it—not that the Senator intended to leave it—that here is a range of mountains 7,200 feet high, over which this road had to pass at the lowest point, whereas the fact is that it is an elevation 2,000 feet above the common level of the country, and therefore not much of an elevation.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I wish to ask one other question. I dislike to interrupt the Senator, though he is very kind about it. Is it not true as to the rest of the statement made, that while this road crosses at a point where it is only 7,200 feet above sea level, the range is as high as 10,000 feet above sea level at places, the height above sea level ranging all the way from 4,500 feet to more than 10,000 feet?

Mr. BEVERIDGE. No, sir.

Mr. FORAKER. Is it not true that the road crosses at the lowest point of the range?

Mr. BEVERIDGE. No, Mr. President. The Senator will allow me to answer his question. It is not true, because there is no range. That is the reason why it is not true, and that is the reason why I am spending more time that I ought on this point. There is no range along that line, nor anywhere near it. The line does run through two groups of mountains, which rise precipitously from the plains. Otherwise it is smooth and the mountains rise precipitously as this book stands on this desk. No, it is not true. There is no range. Now, where are the ranges?

Mr. FORAKER. Are not the mountains 10,000 feet high, then?

Mr. BEVERIDGE. If you want to drive a wagon there, the Senator himself can see by visual illustration, it would be the same as going right along this desk [indicating] around this book. The mountain rises precipitously as this book does from the desk. Well! You wouldn't climb over the book, of course; you would go around it on the level of the desk you were already on. The mountain rises precipitously. The character of this particular country, I will say to the Senator, is an undulating plain, and from the surface of it, now and again, as is pointed out in this letter, the mountains rise up precipitously. There is no range. Some of those mountains may be 10,000 feet, and if the Senator has had information to that effect I am sure that he is correct.

Mr. FORAKER. I have had that information.

Mr. BEVERIDGE. I would not question that at all, nor would I question any statement the Senator makes or any information he gave or has. That there are points along those mountains 10,000 feet high I have no doubt if the Senator says so. But I make this statement, that there is no range along this boundary, that it is usually a level plain, and only two groups of mountains interrupt it, and I have it on credible authority, which has the sanction of print, that a horse and wagon can at any place within 5 miles along this entire boundary pass with perfect ease.

Now, I call the attention of the Senator from Ohio to the way these mountain ranges run. The only divide which has the dignity of a mountain range in New Mexico is what is called the Ratoun divide, running in the way I have indicated on the map. That is, I believe, the highest and most difficult divide which the Santa Fe railroad has to pass through in its entire course to the Pacific.

But that divide is away over here in New Mexico [indicating]. Between the valley of the Rio Grande, which is here [indicating], and the valley of the Pecos, which is there [indicating], we have no more divides—no more range of mountains—until we get over here in Arizona a considerable distance, where we have what is called the Flagstaff divide [indicating]. That is a range of mountains which runs diagonally in that direction [indicating]. We have also the Bill Williams divide, which is another range of mountains. This is the entire topography of the country, and at the point where the boundary line runs, which was arbitrarily fixed without reference to any natural division, it is perhaps as accessible a boundary line as can be found in the entire two Territories. So we see that instead of being separated by nature they are united by nature.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. BEVERIDGE. I do, for a question.

Mr. NEWLANDS. May I ask the Senator from Indiana one question?

Mr. BEVERIDGE. Certainly.

Mr. NEWLANDS. I ask the Senator whether this boundary line between New Mexico and Arizona does not approximately constitute the line of division so far as the waterflow of these two Territories is concerned? East of that line is not the waterflow toward the Gulf of Mexico and west of that line is not the waterflow toward the Gulf of California?

Mr. BEVERIDGE. No; not at all, Mr. President; not at all. I wish the Senator had been here during my remarks. I will go over it again for the benefit of the Senator. Here is the divide, between the flow of the water that way and this way. [Indicating.] I can only yield hereafter for a question, because I see that time is flying, and I have not yet progressed very far in my argument. Not only that, but——

Mr. NEWLANDS. I will ask the Senator whether as a matter of fact the rivers of Arizona do not all flow toward the west, toward the Gulf of California; and whether the rivers of New Mexico do not all flow toward the south and the east, toward the Gulf of Mexico?

Mr. BEVERIDGE. I will answer the Senator by a statement in a most careful editorial from a great newspaper of Colorado which favors this bill. It says:

> There is not a mountain range, a river course, or a difference of any kind in the physical aspect of the country to indicate where the dividing line between the two Territories lies. Western New Mexico and the extreme eastern part of Arizona are of the same physical character. They form parts of the great central plateau region, within the limits of which lie the sources of the Gila, the San Francisco, the Salt, and the Little Colorado rivers. Two of these rivers, the Gila and the San Francisco, have their sources in New Mexico and flow across Arizona, and if the two Territories are not brought under one State jurisdiction conflicts over the interstate water rights for irrigation will be almost sure to arise.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. I do.

Mr. TELLER. From what paper does the Senator read?

Mr. BEVERIDGE. It is an editorial from the Denver Republican.

Mr. TELLER. The Senator will excuse me for a moment to say that the last statement that, if the two Territories were not united there would be a contest over water, is absolutely untrue. It is physically impossible that there should be such a condition.

Mr. BEVERIDGE. Upon that question I will leave the Senator to contend with the newspapers of his own State. Of course I have no personal knowledge.

Mr. TELLER. I have as much knowledge as the editor of that paper on the subject.

Mr. BEVERIDGE. Mr. President, I have shown from direct authority, in answer to the question of the Senator from Nevada, that where this boundary line runs, and where we had it stated that there was a great natural barrier, is the most accessible plain in the entire two Territories, save only the valley of the Rio Grande and the valley of the Pecos.

THE TWO TERRITORIES AN INDUSTRIAL UNIT.

Now, Mr. President, I propose to show that not only is this true, but that the two Territories are an industrial unit. Everybody admits that Indian Territory and Oklahoma supplement each other. It was stated here most eloquently the other day by a Senator on the other side of the Chamber and upon the other side of this controversy how Oklahoma had fields and mines unsurpassed in richness and how the Indian Territory had vast beds of coal, great mineral deposits, the greatest granite beds in the world, and, he might have added, the largest marble bed in the world. What one has not the other has. The same thing has been made true by nature of New Mexico and Arizona. Arizona has great deposits—I hope, as some Senators state, the greatest deposits in this country—of gold, of silver, and certainly the greatest of copper. But she does not have coal. The last census does not show that a pound of it was produced. She does not have coke. The last census does not show that a pound of it was produced.

Well, New Mexico has, on the other hand, comparatively no gold, comparatively no silver, and comparatively no copper. But New Mexico does have coal; New Mexico does have coke, and so much is this true—I want the particular attention of Senators to this statement—that the Phelps-Dodge Company, who own the greatest copper mines in these Territories, located at this point [indicating], have located in New Mexico at this point [indicating] large coal beds and splendid materials for the manufacture of coke, so greatly needed by their mines and by furnaces, that they have already laid out and surveyed a line of railway from this point [indicating] in New Mexico down to this point [indicating] in Arizona. Will Senators observe the significance of that line of railroad? I ask the attention of the Senator from Ohio particularly to it because he will observe, for here is the line of railroad [indicating], that it runs along and takes a southerly course from Phoenix to the boundary line; and yet that line of railroad, according to the statement that there are great ranges of mountains here, is built upon the top of those mountains.

It simply confirms what I said about the level nature of this country, because the Senate will see that this line of railroad, projected and already surveyed, and certain to be built, runs along between the continental divide and the boundary between those two Territories, showing how accessible it is.

So we see that whereas one Territory has precious metals and no coke, no coal, no fuel, the other Territory has coke, coal, and fuel which will supply the furnaces of the first.

Not only that, but New Mexico is a high plateau, some 4,000 or 5,000 feet above the sea level, and for this reason New Mexico produces the products of the temperate zone. But Arizona, at Phoenix and in other places farther south, is a very few hundred feet above sea level, and therefore it produces subtropical fruits. So we find that these Territories united will, as in the case of Oklahoma and the Indian Territory, each supply what the other lacks.

So it is that both in topography and in natural resources nature has made these two Territories one, and what this bill proposes to do is to confirm the decree of nature and not violate it, as Senators say.

ARIZONA AND NEW MEXICO NOT HOSTILE; ALL AMERICANS.

It has been said that their populations are unlike, their institutions alien, their people hostile in feeling. I deny it. That is a doctrine

abhorrent to the theory of republican government. Within the nation there can not be antagonistic communities. There can not be institutions in one State alien to institutions in another State. There can not be unlike ambitions. The ambition of one State of the American Nation is the ambition of every other State. We are not Indianians, New Yorkers, Californians, or New Mexicans. We are all Americans, with the same institutions from ocean to ocean; with the same destiny reaching a thousand years into the future; with common interests so inextricably interwoven that the prosperity of any section or State of the nation depends upon the prosperity of all the nation; and with a common flag for all the millions of the Republic, which is the flag equally of Arizona and of New Mexico, of New York, and of Montana, and which symbolizes in the State of Washington and the State of Florida the same exalted national ideals and the same glorious national purposes.

The suggestion that New Mexico and Arizona ought not to be reunited because their institutions are alien and their ambitions antagonistic and their people enemies, if accepted, would begin the disintegration of the Republic. In the name of a united American nationality I denounce it. In the name of all the soldiers who fought to preserve our nationhood I denounce it. How monstrous that the suggestion should be tolerated for an instant on the floor of the American Senate at the beginning of the twentieth century that there are or can be, within this splendid homogenous Republic, institutions that are alien and peoples that are hostile.

Such an argument never came from the people of those two Territories. Side by side the men of Arizona and New Mexico have marched to battle, and in the face of the Republic's foes laid down their lives. Men from Arizona and men from New Mexico were comrades in that world-famed regiment our President commanded in the Spanish war; and just so the people of those Territories will be fellow-citizens in the noble State for which this bill provides. No, Mr. President, this suggestion comes from politicians from the two Territories who assume to represent the people and who, from the very first, as I will abundantly show, have misrepresented these two southwest communities.

What do the people themselves say? All that I am contending for in this bill is that we shall submit this question to the people direct, and let them say what they want, instead of taking the word of those who aspire to be Senators, governors, and other State officers as to what the people of those Territories want. I shall come to that phase of the argument in a moment. But I ask any Senator to tell me why it is that the politicians and railroad influences and other interests which are here opposing this bill are so fearful of submitting this question to a vote of the people of those two Territories.

RACIAL DIFFERENCE UNANSWERABLE ARGUMENT FOR REUNION.

Senators have referred to the difference of race between the peoples of these two Territories. Why, Mr. President, that is the overwhelming and unanswerable argument for the reunion of these two Territories, and I want to direct the attention of the Senate particularly to this fact. It is said, and truly said, that the most of the people of New Mexico are of Mexican descent. Very well. If that Territory is admitted separately we shall have imported into the Union a condition nowhere duplicated within the Republic—a State where the great majority of its citizens are not of the blood and speech that is common to the rest of us.

But, Mr. President, what is the situation of its population? I ask the Senate's particular attention to this ethnographic map here. Here is the situation, and here, Mr. President, is the unanswerable argument for the joinder of these two Territories. Here, I doubt not, was the overwhelming reason which inspired the House to originate and pass this measure. *This bill Americanizes the whole mass of population within these Territories.*

This map describes the populations of New Mexico and Arizona. Within the space here [indicating] Senators will see is located what is called the Mexican population. Along the east here [indicating]—along the valley of the Pecos River—is the American population of New Mexico. It extends down in this direction [indicating]. Beginning there [indicating], at the valley of the Rio Grande, and proceeding northward to Santa Fe is the so-called Mexican population, outnumbering by many thousands the American population. Here [indicating] in Arizona is the American population again.

Now, Mr. President, if these two Territories are united as nature has united them, you have this condition: The Mexican population in the middle, masses of Americans to the east of them, masses of Americans to the south of them, masses of Americans to the west of them—a situation ideal for Americanizing within a few brief years every drop of the blood of Spain. Here are the Americans on the east, south, and west, and through this warp and woof of Mexican population between these American populations runs threads of Americans which the shuttle of commerce and industry is sending backward and forward from the American population on the east and the American population on the west through the Mexican population between. Ratify the action of the House, unite these two Territories and you have Americanized the whole great mass of population in this new State, which will be so splendid in size and so respectable in numbers. And no greater argument than that could possibly exist for the reunion of these Territories.

CONDITION IF NOT UNITED.

Mr. President, it is a question, as the Senator from Ohio this morning admitted, of the preparedness and of the character of the population of a proposed new State; not the area only, not the numbers only, but the nature of that population. New Mexico, it has been said, has been knocking at the doors of the American Congress for fifty-six years for admission, and every time the wisdom of the Nation, as represented in its Congress, has rejected her. Undoubtedly the reason was the superiority in numbers of the Mexican population, the small population of all races, the illiteracy of the people, etc.

But here is a proposition to reunite these Territories, to restore the boundary lines as they were originally, to make it as nature has made it, and at the same time to overcome the great obstacle of a peculiar population. So when Senators talk about a foreign population which would be disagreeable to the people of Arizona, they have presented the overwhelming and unanswerable reason which, from the point of view of the Nation, requires, yes, demands, the joinder of these two Territories, the restoration of the original boundaries, and the tearing down of the temporary and artificial lines of separation.

But, Mr. President, if you refuse to ratify the action of the House, if you refuse to unite these two Territories, then you leave them by themselves to be admitted in the future, one a State with an overwhelming Mexican population and the other a State of such small numbers that it will be an injustice to the remainder of the States to admit it.

SIZE OF REUNITED ARIZONA.

One point that was made by the Senator from Ohio, and the only point made by Senators in opposition to this bill, was that the proposed State is too large. Too large! Too large! Why, Mr. President, you might add to this proposed new State the States of Massachusetts, Connecticut, Rhode Island, Delaware, and Maryland, and then it would not be as large as the State of Texas. And Texas does not think that it is too large. Texas has the right to divide into five States, but Texas does not divide. Texas could be represented in this body by ten Senators—almost changing the political complexion of the Senate—but it does not do so. No, the imperial dimension of Texas is the fondest pride of every citizen of that State; and the public man in Texas who would propose to make the division, which is reserved to her as her right, would be shorn of his power and driven in ignominy from the Commonwealth. No, Mr. President, Texas is not too large, and yet it is larger than this proposed new State by the size of the State of Massachusetts and the other States I have named.

DISTANCES IN GREATER ARIZONA.

Talk about distances in Arizona—I mean the new Arizona, the great Arizona, the Arizona of the future, the Arizona of this bill. The distances are not so great as those in the State of Texas. Concerning the division of Texas, I want to call the attention of the Senate to the fact that during the last campaign the governor of Montana humorously referred to the possible division of the State of Montana. Like wildfire it spread among the people. They heard that their governor was proposing a division of that magnificent State. The governor of Montana was afterwards on the stump, wherever he spoke, and in the public press obliged to deny that he ever proposed any such thing in earnest.

Is California too large? No one dares say so. The Senator from California, who is resisting this bill and acting with the other side, will not say so, dare not say so. Yet California is many hundreds of miles longer than is this State from east to west or from north to south.

I call the Senate's attention and the attention of the Senator from California [Mr. BARD] to the history of his own State, to the effort to bring California into this Union as two Commonwealths. That effort was resisted. It was resisted by some of the ablest men that period or any other period ever produced in this or any other country. Henry Clay was one man who fought that proposition to bring California into the Union as two States. Henry Clay won, and California was brought into the Union as a single State. When was that? It was at a time when there was not a railroad there and at a time when it took longer to go from one county to another in the Senator's own State than it now takes to go across the whole continent. Yet those distances did not appall the statesman's mind of Henry Clay.

Now, I will ask the Senator from California whether he thinks, after the lapse of all these years, that it was wise that his grand

and splendid Commonwealth was brought in as one great and mighty State instead of as two smaller ones? I ask the Senator, would he rather have California as she is or would he prefer two little Californias. Looking back over the history of that statesmanlike measure we are able to appreciate the foresight and vision of Henry Clay that saved California from being two comparatively small States and gave her the destiny of being one grand and splendid Commonwealth. But if the Senator from California [Mr. BARD] is right, Henry Clay was wrong.

STATE GOVERNMENT NOT INCONVENIENT IN GREATER ARIZONA.

It has been said—and I think I am right in this statement—by every Senator who has spoken that the administration of State government would be inconvenient in this proposed new State because the State will be too large. Yet Texas does not find the administration of her State government inconvenient, although she is much larger than this new State will be. The processes of her courts run everywhere with perfect ease; of her State administration we hear no scandal; and she knows no difficulty in the administration of any branch of her government. And yet, Mr. President, it is farther—calling the attentien of the Senate now to this other map [indicating]—it is farther from El Paso, in the State of Texas, to Austin, the capital of that State, than it is from any portion of Arizona where there is a considerable community that will have to send a representative to any possible capital of the proposed new State either in Arizona or New Mexico. Texas is hundreds of miles longer from north to south than is the proposed new State from north to south; Texas is much longer from east to west than the proposed new State is from east to west.

Senators will see that if you superimpose the map of Texas upon the map of the proposed new State of Arizona [indicating] making the eastern boundary line of the State of Texas, coincident with the eastern boundary line of the new State, the western portion of Texas would almost reach to the Pacific Ocean. Not only that, but it is almost as far from El Paso, Tex., or from this point in Texas [indicating] or that point in Texas [indicating] to Austin, the capital of the State, as it is from El Paso, Tex., going through the new State of Arizona, to Denver, in Colorado. And yet Texas finds no difficulty or unusual expense in the administration of her splendid State government.

STATE GOVERNMENT IN CALIFORNIA.

Still Senators say that the proposed State will be so large that its administration will be inconvenient. California finds no inconvenience, does she, in the administration of her State government? Do not the processes of her courts run in San Diego as well as in San Francisco or in Sacramento? And yet the distance in California is greater from San Diego to Sacramento, its capital, than from any largely settled portion of this new State to any probable capital that may be established. Not only that, but it is twice as far from San Diego, Cal., to Sacramento, the capital of the State, as it is from the western border of Kansas to Topeka, the capital of Kansas; almost twice as far as it is from middle and western Nebraska to Lincoln, the capital of Nebraska. The distance in those two States to their capitals, with which we are all familiar, is less than the distance from Phoenix to Santa Fe, less than from Tucson to Albuquerque. Yet we are told that there will be inconvenience in the administration of the State government of the proposed new State.

Very well. The Senators from California can tell whether or not the machinery of their State government works badly. If it does not work badly in California, with her 1,100 miles of coast line—longer than any distance in the proposed new State—why do Senators say we will have the novelty in this case of a State government administered badly? If it works well in California, why will it not work well here? If it works well in Kansas and Nebraska, with their capitals in the eastern end of the State, why will it not work well here? Why, Mr. President [Mr. FRYE in the chair], forty years ago in your own State it took longer to go from well-populated districts in Maine to Augusta than it now takes to go from Kansas City to Los Angeles.

GREATER ARIZONA CONSISTENT WITH PLAN OF FATHERS.

I want to refer again to the ordinance of 1787 to show that it was the purpose of the founders of this Republic to create ever larger States. We all know how it was that the Constitution was adopted and the small States were given an equal representation in this body with the larger ones; we all know that that was the rock upon which the Constitutional Convention nearly foundered; we all know that the Constitution was finally adopted because men in small States—Rhode Island, Delaware, and elsewhere—insisted that they should have equal representation, so that they could get into the Senate, or they would not ratify the Constitution.

Mr. President, so sensitive to and so sensible of that fact were the members of the Constitutional Convention and the Continental Congress of 1787 that they established the Ordinance of 1787; and it was for the purpose of correcting this that they made States as large as Ohio, Wisconsin, Indiana, and Illinois, and at a time when it took longer, as I said in the beginning of my remarks, to go across either of those States than it now takes to go from Puget Sound to the Florida Keys. So we see from these illustrations that there is nothing in the argument of distance.

These comparisons show the absurdity of the argument of distance. The are no distances any more in this country—no more scarcely in the world. Within the borders of this nation railroads, telegraph, and telephone have woven us together until we are one vast family in constant and perfect communication. Mountains do not divide us. Our speeding trains forge rivers in a flash. We speak across prairies, through forests, and over lakes instantaneously. This is the most fortunate circumstance in our national life. For it is this swift communication of speech, this easy transportation of person, which, weaving all Americans backward and forward and up and down the long breadth of the Republic, are consolidating the nation and in the future will hold it firmly together. So I say that there is nothing in the argument of distance or of inconvenience.

SEPARATE STATEHOOD UNJUST TO NATION.

Mr. President, these obstacles, then, are out of the way. Why not, Senators, permit these Territories to reunite into one great, splendid, magnificent State, noble in size, and respectable in numbers? If you do not, if you provide for the future or the present admission of Arizona or New Mexico as a single State, you do injustice to the rest of the nation, and you do violence to the principle of equal popular government upon which this nation is founded. For Arizona to-day, Mr. President, for whose admission the Senator from Ohio pleads, has fewer people in all its boundaries than there are in the city of Columbus, in his own State, or Toledo, in his own State. But what would the Senator from Ohio say if it were proposed to take both Senators from Ohio from the town of Toledo? Suppose it was said that the remainder of the State of Ohio should not vote and that Toledo should send the two Senators from Ohio to this body, would that be justice to the remainder of the 4,000,000 people in all the Senator's magnificent Commonwealth? If that would not be justice to the remainder of the people of his Commonwealth, how does he make it out that it is justice, to give two Senators in this body to some other section of the country containing fewer people than there are in Toledo, Ohio? I wish the resourceful Senator from Ohio would explain that.

If you defeat this bill and propose the future admission of Arizona, you propose the admission of a State that, including Indians, has fewer people in it than Allegheny, Pa., fewer than Rochester, N. Y., and fewer than there are in many other towns that I could name. Take the State of Washington. There are in Spokane, Seattle, and Tacoma more people than there are in all of Arizona—even counting in Arizona Indians, Mexicans, and half-breeds.

Mr. President, the future will see in the State of Oregon four million people—yes, five million. The future will see in the State of Washington five million people. Their flowing rivers are a guaranty of it; their great forests are a guaranty of it; their fertile soil assures it; their abundant rainfall assures it. Now, I ask Senators whether or not it will be justice to that great mass of American citizens living there in the future to have their voice in this body and in the Nation's councils counteracted by 150,000 or 200,000 people? Will it not be at least somewhat more of an approximation to respectable proportions if we bring in a State which the highest scientific authority to-day says can never have over a million people, even if all the irrigation schemes that are now projected become fruitful?

Mr. BARD. Will the Senator from Indiana yield to me for a question?

Mr. BEVERIDGE. With pleasure.

Mr. BARD. I desire to ask the Senator what was the population of his own State when it was admitted?

Mr. BEVERIDGE. Does the Senator desire an answer?

Mr. BARD. Yes.

Mr. BEVERIDGE. I will give it; but first I will ask the Senator a question. Does the Senator wish a comparison between that State and the State of Washington and her future and the future of Arizona?

Mr. BARD. Is the Senator not willing to admit, as shown by the investigation of the Senate committee, that many of the present population of this proposed new State are equal to the population of the other States of which the Senator has spoken?

Mr. BEVERIDGE. Some of the people there could not be surpassed in character or attainments by any other people in this country or in the world. I have said so in the report in which the Senator so kindly joined with the rest of his colleagues on the committee two years ago, and I only wish the Senator were with his old associates to-day instead of with new allies. The people of Phoenix, the people of Tucson, the people of Prescott are superb. That is not the question. The question in Arizona is quantity.

ARIZONA AND INDIANA COMPARED.

In answer to the Senator's question and to continue the comparison with the State of Indiana, I will say that when she was admitted she had much fewer people than the Territory of Arizona has to-day. But she had those conditions, Mr. President, that made it certain that she would teem with multiplying millions. Has Arizona such conditions? Indiana had streams running over with water—water, the source of life. Has Arizona? Indiana had one of the best rainfalls in the world. Has Arizona? Indiana was in the midst of the Mississippi Valley. Is Arizona? Indiana had fields you only had to smile upon and the earth would smile in return with abundant harvests. Can that be said of Arizona? On the contrary, I have presented here—I think the Senator could not have been present when I presented it, or he would not ask such a question—a letter from the highest scientific authority in this country—a Government authority—showing that the water is already used, and that, even if New Mexico and Arizona succeed in all the reclamation and irrigation projects which the National Government has proposed, and even if it shall have a denser population than any irrigated country, it can never support more than a million people.

Why, then, not reunite Arizona and New Mexico? Are a million people too many to have representation in this body, against the 4,000,000 that are certain to inhabit at no distant date the State of Washington or the State of Oregon or the other States whose soil, and climate and rainfall are favorable and where all the conditions of human existence are found? I think not. Well, then, Mr. President, why not reunite these Territories? Why not tear down these artificial boundaries?

"ARIZONA THE GREAT."

And what a glorious State this new Arizona would be, Mr. President—fit sister for that imperial Commonwealth upon her east on whose brow the the Lone Star shines, and of that mighty Pacific State upon her west which faces the greatest ocean of the world, with a coast line longer than that of most of the countries of the earth; Arizona, second in size and eminent in wealth among the States of the greatest of nations; Arizona, standing midway between California and Texas, three giant Commonwealths guarding the Republic's southwestern border; Arizona, scattering with one hand the fruits of the Tropics and with the other hand the products of the Temperate Zone; Arizona, youngest of the Union and the fairest; how proud of her her citizens would be; how proud of her the American people would be; how just a place she would hold in the nation's councils. Not querulous, irritable, and contentious because of a consciousness of her scant population, but large minded, generous, and conciliatory, because of the knowledge of her greatness; not apologetic for her numbers, but serene in her popular equality with her associated States; not Arizona the little, but Arizona the great; not Arizona the provincial, but Arizona the national; not Arizona the creature of a politician's device, but Arizona the child of the nation's wisdom! How its people and the people of the Republic will glory in such an Arizona! For it is such a magnificent Arizona this bill will create. No wonder selfish interests dare not let the people vote for or against such an Arizona, for all their wealth and all their organization could not defeat the people's will at the people's ballot box on such a question.

I repeat I am not surprised that ambitious men and special interests who have been fighting this measure dare not let the proposition to create such an Arizona go before her people to be voted on, because, in spite of their organization and their money and all they could do, the people of that Territory would not reject so sane a proposition as that.

GREATER ARIZONA LESS EXPENSIVE.

Mr. President, the next objection to the reunion of these Territories originated at the beginning of the debate in the productive mind of the Senator from California, and was repeated to-day at the close of the debate by the Senator from Ohio [Mr. FORAKER]. I think the Senators, when they come to read their words in cold type, will be somewhat surprised at them. What was the last reason why this joinder, why this reunion, this restoration of original lines, this creation of one grand Commonwealth should not take place?

We have seen that the argument of size is nothing, the argument of distance is nothing; no, these are nothing. But, Mr. President, the Senator thought insurmountable the objection that one State government would be more expensive than two State governments would be. Think of that! There is an argument for you. The Senator wants to save the people of these two Territories expense. Frugal mind! But, seriously, can not anybody see that it is more expensive to have two State establishments than one State establishment?

If Texas should exercise her right to divide and separate now into five States, would her expenses be five times less than they are now? Are the expenses of the State government of Texas five times more than they would be if she had divided? Are the expenses of the two Dakotas only half what they would have been if they had remained the same? Why, anybody can see, Mr. President, that two sets of State officers, two sets of State institutions, and two sets of State commissions would be twice as expensive as one, and yet the Senator from California and other Senators actually gravely present to the Senate of the United States that the reunion of these Territories ought not to occur because of the expense that would be attached to the administration of so large a State as Arizona and New Mexico joined.

Mr. President, in recent times we have been running wild upon the subject of State commissions. I have some data in regard to State commissions which I want to present to the Senate and to which I call the attention of certain Senators. It has a bearing upon this question of expense, because it is argued that it is less expensive if there are two State governments than if there is one.

Mr. BARD. The Senator from Indiana must address himself to some other Senator. I made no such statement.

Mr. BEVERIDGE. Will not the Senator be kind enough to read his own speech upon the matter?

Mr. BARD. I have read it.

Mr. BEVERIDGE. You did not commit it to memory.

Mr. BARD. I did not discuss the matter of expenses.

Mr. BEVERIDGE. While I have a distinct recollection upon that point, I accept the Senator's denial. Perhaps the Senator from Ohio did not say so.

Mr. FORAKER. Mr. President, nobody has said so, and the Senator knows very well that nobody has said any such thing as he is now stating has been said. What I said this morning was that, having one State government covering such an area as this, its people would be put to great expense to attend at their capital, to attend upon the courts, and to attend upon conventions, to use the illustration employed by the Senator from Connecticut [Mr. PLATT].

Mr. BEVERIDGE. Oh, well, then, the Senator does not want these two Territories united because it will be more convenient for the delegates to State conventions, who number an infinitesimal fraction of 1 per cent of the people, to go to conventions. Now, Mr. President, there is an argument which ought to prevent an act of legislation which is going to last for a thousand years! That argument is simply irresistible. Let us save the delegates to State conventions every two years a few dollars railroad fare, no matter how the nation is affected.

Mr. FORAKER. That was only one illustration I used, and when I employed it I called attention to the fact that I did so because it had been employed as a suitable illustration by the Senator from Connecticut, in supporting this measure of the Senator from Indiana, as applicable in this case as it was in the case of the Dakotas. Many other illustrations were employed. That was only one of the number.

Mr. BEVERIDGE. Oh, well, Mr. President, if both Senators disavow this, I will turn it around and put it the other way, and, as an argument for their union, use the admission that there will be less expense. If Senators admit that there will not be more expense if the two Territories are united than there will be if they are divided, I will reverse the argument and call attention to the fact that one reason for the union is that there will be palpably less expense. But I am sorry the two Senators disavow having used the argument, and I shall certainly reperuse the speech of the Senator from California with some interest to find out how it was I was mistaken. How my memory is failing!

EXPENSE OF STATE GOVERNMENTS.

I was going to call the attention of the Senate to some of the commissions that exist in many of the States. I find numerous State commissions. I was going to call the attention of the Senator from Ohio—I sent down for the data after he had made the statement in his speech—to the numerous State officers in the Senator's own State. Here is a sheaf of pages and on each page is a closely printed list of State officers of Ohio. Most of them are on commissions, and most of those commissions are highly paid. Many of those commissions were established while the distinguished Senator of Ohio was the governor of that State—and he was one of the best governors that State or any other State ever had—and it was when he was governor of that State that I learned to admire and to follow him. I do not question but that these commissions in the State of Ohio are a good thing, though they and the officers under them number nearly 500.

So it is sure that if the two Territories of Arizona and New Mexico are two States, they will have two sets of State officers; they will have two sets of State commissions, and the expenses will be doubled, trebled, and quadrupled. So I am not surprised that both Senators say that they never had anything of the kind in their minds. If the Senator from Ohio referred merely to the expense of delegates going to conventions——

Mr. FORAKER. Oh, Mr. President, if the Senator will allow me to interrupt him——

Mr. BEVERIDGE. Yes.

Mr. FORAKER. I do not like to interrupt him, but the Senator knows that that is not a fair reference to what I said on the subject. I thought it was a perfectly legitimate illustration when the Senator from Connecticut employed it, and I employed it simply because he had done so.

Mr. BEVERIDGE. Oh; you lay it on the Senator from Connecticut. That is a good place to lay it. The back of the Senator from Connecticut is broad.

Mr. FORAKER. I read that out of the speech of the Senator from Connecticut, and I said that if it were a good argument there it would be one here. What we were talking about was the legitimate, necessary expenses of people compelled to travel over long distances in order to wait upon the legislature, the courts, and other official bodies connected with the administration of the State government.

Mr. BEVERIDGE. Why do the people want to attend the meetings of the legislature? The legislature itself will not number a hundred.

So the Senator from Ohio lays his statement about attending conventions on the shoulders of the Senator from Connecticut. They are broad; they can stand it. And the Senator from California? Why, he says that he never made that argument at all. [Laughter.] I accept his disavowal; and so all this, Mr. President, goes up in smoke—the last argument against the reunion of these two Territories. [Laughter.]

Not the last, but the last but one, and Senators lay the most stress upon that. I call the particular attention of the Senate to this argument, Mr. President, which I think has been advanced by every Senator in opposition to this bill; and this time I am sure my statement will meet with no disavowal, at least not until I get a little bit further along in the argument. When I get a little further on on this point I would not be surprised at a disavowal.

NO "PLEDGE" FOR SEPARATE STATEHOOD.

It is said that the language of the organic act which established the Territory of Arizona is so different from the language of other acts establishing other Territories that a compact may justly be implied from this difference of language between that Territory and the United States, which prevents this reunion of Arizona with New Mexico. Mark you, Mr. President, it is not claimed that the language itself states such a compact; it is not even claimed that you can deduce such a compact from the language used; but it is claimed that you must deduce this compact from the difference between the language used in this act and the language used in other organic acts. Am I right? That is the claim, is it not? Very well.

I was glad to hear it admitted upon all sides that even if such a compact had been expressed in words—even if the language of this act had been "The United States hereby agrees with the people of Arizona that its boundaries shall never be changed, and that it shall be brought into this Union on a certain date as a separate State"—that such a compact would have been a *nudum pactum*—absolutely null and void.

Mr. ALGER. I should like to ask the Senator a question.

Mr. BEVERIDGE. Certainly.

Mr. ALGER. If that were a contract and an agreement and the Government of the United States should nullify it, what would the Senator think of business men, if they had the power, who had made an agreement and at their convenience should nullify it?

Mr. BEVERIDGE. The Government would not have to nullify it; it would be already nullified. I will ask the Senator, as a business man, if he has not taken advantage of the courts—I have known business men to take advantage of the courts—where he had made an agreement which from its inception was absolutely null and void. That is what our courts are doing all the time.

Mr. ALGER rose.

Mr. BEVERIDGE. Pardon me. The Senator brings a business question into this body. Let me tell the Senator that this is not a business question merely. This is a question of nation building, and that is the reason the fathers in writing this Constitution wrote into it the provision that the Congress of the United States should have absolute and plenary power over the admission of new States, which the Senator and no other business man could violate at his convenience.

Mr. ALGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Certainly.

Mr. ALGER. In the first place, I am thankful I was never in court nor in a lawsuit.

Mr. BEVERIDGE. So are the courts.

Mr. ALGER. I have no doubt of it. In the second place, if an agreement or a promise of a great nation like the United States is good for nothing, what are we here for?

Mr. BEVERIDGE. Well, what is the Constitution here for? Does the Senator think the Constitution of this country is of any use? I ask the Senator to answer me that, since he is participating in this debate.

Mr. ALGER. Well, I——

Mr. BEVERIDGE. A little use, the Senator says.

Mr. ALGER. I think I am very presumptuous to talk to the distinguished and eloquent Senator, but I say to the Senator——

Mr. BEVERIDGE. Not at all; I am charmed to hear the Senator.

Mr. ALGER. He may not be. I say to the Senator that if in good faith the people of those Territories have gone there under the promise of the United States that we should not take any part of their territory from them, it is an act of bad faith on the part of this Government if we violate it.

Mr. BEVERIDGE. Oh, nobody is questioning that. When I come to that phase of the argument I will be glad to have the Senator interrupt me; but what the Senator interrupted me upon was the statement that it is admitted by every person in this body that even if a contract in express terms had been made, such as I described, it was a nudum pactum, null and void, and inhibited by the Constitution of the United States. The Senator asked me what would become of a contract that is unconstitutional. I ask him what becomes of the Constitution?

Mr. ALGER. I have no doubt the Government has the power; but has it in justice the power?

Mr. BEVERIDGE. Does the Senator mean that the fathers, in making the Constitution, were unjust or were providing for an injustice?

Mr. ALGER. You can draw your own inference.

Mr. BEVERIDGE. I think you can. [Laughter.] I am glad of the suggestion which the Senator from Connecticut [Mr. PLATT] makes to me. The very first element of a contract, to use his language, is that the parties must be able to contract, and the Constitution says that no such contract could be made, even if it had been in express terms. Now, I will reach what is in the Senator's mind. I will not overlook it. I am glad of his interruption and welcome it. It does not trouble me at all. But what we want to get at in this debate is the truth, do we not?

I propose to show first that this bill meets every word of the language of this act. Now, what is that language?

Provided, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

So that by the express language of this act we could divide this Territory. That is not all we can do by the express language of this act. By the express terms of this act we can change its boundaries in addition to dividing it, and that means not only that we can make its boundaries less, but we can by the express language of this act enlarge its boundaries. Under the language of this act you can take in a county of New Mexico. You admit that. Very well. If you can throw the boundaries of Arizona around a portion of New Mexico, can you not throw the boundaries of Arizona around all New Mexico? I am talking about the language of the act.

Provided further—

This is what excites the curiosity of Senators, and I hope to have the attention of the Senate when I come to explain this language and how it came about—

Provided further, That said government shall be maintained and continued—

"Said government," not "said Territory." We will see the significance of that language in a moment—

until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

That language has been complied with. That government has been maintained there, and this bill is establishing a State government there and submitting to the people the question whether or not they will accept it.

Mr. ALGER. Mr. President——

Mr. BEVERIDGE. Pardon me. I can not yield just now, but I will in a moment.

Mr. ALGER. All right.

Mr. BEVERIDGE. First, if there was a compact in express terms, it would be nudum pactum. Second, the language of this act is covered by this bill. Very well. What, then, is it from which Senators imply this contract? It is said that this language is peculiar. It is said that it is unlike the language that was used in creating the Territory of Idaho, which was just a month before; of Washington, which was created afterwards; of Oklahoma and the Indian Territory and Dakota, which were created afterwards—that this

language is sui generis, standing alone; and therefore there must be a compact implied from the difference of this language. What is the statement? The Senator maintains that its significance is that it is unlike the language of any other organic act.

Now, come to the crux of this business. If it was a compact, as the Senator says, it was a compact between the United States on the one hand and the Territory on the other, was it not?

Mr. BARD. Between the people.

Mr. BEVERIDGE. Yes; between the people of the United States on the one hand and the people of the Territory on the other hand, was it not? Then there must have been some great public reason which affected the people of the United States as well as the people of that Territory, must there not? There must have been some great public reason why this special language was used. There must have been some great public reason which affected the nation why the people of Arizona should be given superior rights to the perple of Idaho. If this language means there is a compact between the United States and this Territory, will the Senator or any other Senator explain to this body why it was that the people of Washington did not insist on the same language? Why did not the people of Oklahoma insist on the same language? Why did not the people of Dakota insist on the same language? Why should the people of Arizona have been given superior rights to the people of Idaho, which was established as a Territory only a month later—superior to all the rights to the people of other Territories that were brought in afterwards?

Does the Senator know any great public reason why the people of Arizona should be singled out and be specially favored above the people of all the other Territories of this country? I pause for a reply from any Senator.

No Senator answers that question. How does it happen, I repeat, that the people of this Territory were given greater rights than the people of Idaho, which was brought in just before, or of the people of the Territories brought in afterwards? And I do not hear an answer.

Mr. BARD. May I suggest a reason to the Senator?

Mr. BEVERIDGE. I shall be glad to hear it. Of course, I know what the reason is, but I shall be glad to hear the Senator.

Mr. BARD. I merely make a suggestion. I do not know the reason. I do not think it appeared in the debate.

Mr. BEVERIDGE. What was it?

Mr. BARD. The Territory of Arizona was at one time a part of New Mexico, and upon being separated it was very necessary that the people of Arizona should have assurance that for all time it should never again be merged with the Territory of New Mexico. That seems to me a sufficient reason for entering Congress into an assurance.

Mr. BEVERIDGE. If that was true, why was not the same thing true of the rest of the territory we acquired from Mexico? How does it happen that out of all the territory we acquired from Mexico this part should be singled out for special action? I am listening for the Senator's answer to that.

No, Mr. President, no public reason has ever been advanced, and I make bold to say that no public reason ever existed why, if this language means what Senators says it does—a compact between this Territory and the people of the United States—they should be singled out and given superior advantages to the people of Idaho, to the people of Washington, to the people of Dakota, to the people of Oklahoma, and to the people of the Indian Territory. No public reason exists, or ever existed.

Well, then there must have been a private reason. We find this reason in the history of this transaction, and especially in the final culminating scene; and since the Senator refers to the history of this matter I am surprised he did not go into this. And yet I do not blame him for not going into it, and the Senate will see why in a minute.

ORIGIN OF ARIZONA'S SEPARATION FROM NEW MEXICO.

What are the facts? The question of establishing a separate Territory in Arizona was in the first place mixed up with the slavery question, which entered into almost all discussions of every kind for a quarter of a century preceding the civil war. It was thought at first by those who were then in control in Congress and who represented the slave power that here was a possible method of making a new slave State. And so we find that the first bill for such a separation, dividing it on an east and west line instead of a north and south line, was introduced into this body by Jefferson Davis. The proposition fell of its own weight. It fell from sheer lack of merit.

Later on, when the political complexion changed and during the civil war, it was suggested, to some, not to all, that here was a method of holding this Territory for the Union more easily. That is the general outline of its history.

Let us come down to the specifications. The immediate separation was planned by some gentlemen in Arizona, who came to Washington for the purpose of creating new offices which they might fill, as appears in the debate, for Senator Trumbull called attention to it, and I will read his language in a moment.

The plans were carefully laid. They also had a representative at the Confederate Congress. To those whom such a consideration would influence, they advanced the argument that here was a method of better holding this Territory for the Union. To others, whom other considerations would more influence, other arguments were advanced. A systematic plan was proposed and carried out by a systematic lobby during the midst of the great civil war, when nobody was thinking of anything except defeat or victory. It was proposed in the House, to certain Members of Congress whose terms were then expiring and who wanted new official positions, that a cabal might be formed for putting through this bill creating new offices. These reasons of which I now speak were carefully concealed from such Senators as Senator Wade, of Ohio, and from President Lincoln, to whom the other argument was advanced, that this was a method of more easily holding this Territory for the Union.

CONSPIRACY TO SEPARATE ARIZONA FROM NEW MEXICO.

This in brief is the history of the transaction. This is why this language was employed about continuing that government for the present. This has not escaped the historian's notice, for we have here the whole description of just how this act, which excites the Senator's curiosity, was passed. One of the conspirators to securing this new government, and creating this new set of offices so that he and others might fill them, kept a journal. That journal set out the details of the whole plot, and I shall show from documentary evidence, from the papers, that the plot, after the bill had passed, was carried out by the appointment of these men.

One of them was Charles D. Poston, and Historian Bancroft quotes the journal which Charles D. Poston kept at this time. Bancroft says:

Charles D. Poston, Reminiscences, gives the following account of the preliminary wire-pulling of 1862 at Washington.

Now we hear why this act was passed. Now we hear why the language was employed. Now we understand the significance of it, and how the public reason why these people should be singled out and made superior in rights to those of other Territories does not appear and a private reason takes its place. I quote from the journal of Mr. Poston:

At the meeting of Congress in December, 1862, I returned to Washington, made friends with Lincoln, and proposed the organization of the Territory of Arizona. Oury (who I suppose had been elected delegate in 1862 to succeed McGowan)—

The Senators from California know something about McGowan—

was in Richmond, cooling his heels in the antechambers of the Confederate congress without gaining admission as a delegate from Arizona. Mowry was a prisoner in Yuma, cooling his head from the political fever which had afflicted it, and meditating on the decline and fall of a West Point graduate. There was no other person in Washington, save General Heintzelman, who took any interest in Arizona affairs. *They had something else to occupy their attention—*

I should think they did have something else to occupy their attention, Mr. President—the greatest war this world ever saw—

And did not even know where Arizona was.

Remember that this is the language of the man who got the act through—

Old Ben Wade, chairman of the Senate Committee on Territories, took a lively and bold interest in the organization of the Territory, and Ashley, chairman of the committee in the House, told me how to accomplish the object. * * * He said there were a number of members of the expiring Congress who had been defeated in their own districts for the next term who wanted to go west and offer their political services to the "galoots," *and if they would be grouped and a satisfactory slate made they would have influence enough to carry the bill through Congress. Consequently an "oyster supper" was organized, to which the "lame ducks" were invited, and then and there the slate was made and the Territory was virtually organized.* * * * So the slate was made and the bargain concluded; but toward the last it occurred to my obfuscated brain that my name did not appear on the slate, and in the language of Daniel Webster I exclaimed, "Gentlemen, what is to become of me?" Gourley—

Remark that name—

Gourley politely replied: "O, we will make you Indian agent." So the bill passed and Lincoln signed all the commissions, and the oyster supper was paid for, and we were all happy, and Arizona was launched upon the political sea.

Mr. BARD. May I interrupt the Senator?

Mr. BEVERIDGE. Yes, sir.

Mr. BARD. Reference is made to Senator Wade. The Senator says he knew nothing about this matter.

Mr. BEVERIDGE. I say so.

Mr. BARD. Let me quote what I said on the subject:

Senator Wade, in this Chamber, in the debate on July 3, 1862, on the bill to create a temporary government for Arizona, said:

"The organization of the Territory of Arizona has been a matter of constant importunity upon this Government for more than seven years to my certain knowledge. * * * The people there, * * * ever since I have been upon the Committee on Territories, have been urging Congress to organize this Territory."

That indicates that Senator Wade was familiar with all the history of this attempted legislation for seven years.

Mr. BEVERIDGE. But not with this history which Poston records, does the Senator say? No, Senator Wade knew nothing about "oyster suppers." Senator Wade never knew nothing about "lame ducks" in Congress whose terms were expiring and who entered into a conspiracy for the purpose of creating offices which they might fill and which they afterwards did fill. Senator Wade acted, as I stated, from those high and patriotic motives which were furnished by the suggestion that this might be a better way of holding this Territory for the Union.

But the significance of this account of this bill which I am giving now is to explain why this mysterious language was used. It is to show why it was that out of all the Territories that have been erected by Congress, with respect to none was this language ever used except this one. Certainly Senator Wade knew nothing about this. It had been a question of agitation for seven years, and as I stated in giving the outline of this history, Jefferson Davis introduced the first bill in the Senate for the division of these Territories by the east and west line.

What became of it? It was at a time when this nation was convulsed with civil war. McDougall of California, making a speech in this body, said: "I can not get anybody to pay attention to me. Nobody will listen to me." Nobody was paying attention to anything of this kind. The Senator from Michigan [Mr. ALGER] ought to know that. He was a distinguished soldier in that great conflict. But this singular language bore such evidence that there was something behind it that it did not go unnoted on this floor; that is, the bill did not. Senator Trumbull of Ohio—why did not the Senator from California [Mr. BARD] read that in this debate—scented something wrong in this transaction, and here is what he said:

> After the former discussion on this subject, I sent to the Census Office to ascertain the population in the Territory, and I find that the population of the county of Arizona, in the Territory of New Mexico, and there is no other county within the limits of the proposed new Territory in which there is any white population, is 6,482. It seems to me that this is not the time to be establishing a territorial government down in Arizona for 6,000 people, with a governor, a secretary, judges, marshals, and a legislature, all to be paid by the United States. *It looks to me like a bill to provide places for a number of persons.*

Just what Poston, who got the bill through, said it was. And so Senator Trumbull fought it and was able to postpone it from 1862 to 1863, and he further speaks—I do not want to take the time of the Senate to read it—of this as "an office hunting and a salary grabbing scheme" for some people out of political employment. His acute mind saw there was something back of it. And Poston's journal shows how the bill was passed and why it was passed and why this language was used.

Mr. FORAKER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. I do.

Mr. FORAKER. Will the Senator now tell us what the language means?

Mr. BEVERIDGE. Yes, I will; from their point of view.

Mr. FORAKER. He has told us how it originated. Will he tell us what is its meaning?

Mr. BEVERIDGE. I will from their point of view, and what the real meaning is, too. From their point of view it means what it says, that "said government shall be maintained;" that is, said offices shall not be disestablished.

Mr. FORAKER. In other words, if I understand the Senator, the language is in the nature of a pledge that the Territorial government shall be continued?

Mr. BEVERIDGE. No, not at all.

Mr. FORAKER. If it does not mean that, what does it mean?

Mr. BEVERIDGE. I was telling the Senator, but he will not let me complete a sentence.

Mr. FORAKER. If that is not what it means, will he tell us what it means?

Mr. BEVERIDGE. The Senator was reading a newspaper during my remarks——

Mr. FORAKER. I was listening to the Senator, and he is so entertaining that I can read a newspaper and listen to him, too.

Mr. BEVERIDGE. The Senator may be able to read a newspaper and listen, but I do not think he would have asked this question if he had not been reading the newspaper.

Mr. FORAKER. I do not think I would have asked it if I had not been following the Senator. I heard the Senator explain how all this came about, and now he was about to pass from it——

Mr. BEVERIDGE. No, I was not.

Mr. FORAKER. Without telling us what it means.

Mr. BEVERIDGE. No, indeed; I was not proposing to pass from it. I propose to linger upon it for some time.

The language meant—and this journal of Poston's shows that it was inserted for that purpose—that that "government," which, as they said, was established for the purpose of making these offices which were to be filled by Poston and his fellow-conspirators, should be maintained.

The Senator from Connecticut [Mr. PLATT] suggests to me, as I did in the question which I asked time and time again and was not answered, why it was this language was put in here and was not put in with respect to Idaho a month before, or Oklahoma or Dakota or Washington or any other Territory. Perhaps the Senator will suggest some public reason why the people of Arizona should be given superior rights to the people of these other Territories.

Mr. FORAKER. The pledge, if it be one, is only intensified by the fact suggested by the Senator from Indiana. I have not undertaken to give any reason why. We can all surmise, and we can all surmise, too, as to how much a man who was around as a lobbyist, giving oyster suppers, had to do with Senator Wade and others who acted upon their responsibility as Senators in passing this legislation.

Mr. BEVERIDGE. We will find out——

Mr. FORAKER. There never was a member of the Senate—I need not say, because it is common knowledge—who understood better what he was doing than Senator Wade. There never was a man who more thoroughly and industriously labored to intelligently perform his duty as a member of this body; and when he stood in this Chamber and answered Mr. Trumbull and others who were opposed to this measure he showed familiarity with the subject, and he presented reasons for the establishment of the new Territory, and reasons which were satisfactory to this body as they had proven to be to the House, why this organic act, with this pledge—if we may call it that, and that is all I have ever called it—embodied in it, should be passed.

Mr. BEVERIDGE. What reason did——

Mr. FORAKER. Will the Senator pardon me for a minute?

Mr. BEVERIDGE. If the Senator is correct——

Mr. FORAKER. Will the Senator allow me for just a moment?

Mr. BEVERIDGE. I want to ask the Senator a question right on this point. The Senator said that Senator Wade gave reasons. What reason did he give why these people should be treated differently from the people of Idaho or any other Territory?

Mr. FORAKER. I did not say Senator Wade gave reasons as to this particular paragraph.

Mr. BEVERIDGE. No.

Mr. FORAKER. I said he gave reasons here why a separate Territorial government should be given to Arizona, showing he was familiar with the subject, and I believe Mr. Wade knew a good deal more about it than this gentleman did who kept a journal. I think there are a good many people hanging around Washington keeping diaries as to what they are doing who have nothing to do with legislation.

Mr. BEVERIDGE. Is the Senator asking me a question or making a speech?

Mr. FORAKER. I am asking a question of the Senator from Indiana.

Mr. BEVERIDGE. All right.

Mr. FORAKER. And the question—I do not want to trespass on the Senator when the time is limited and when he is closing an important debate, but we will have no chance to answer him, and therefore he will excuse me——

Mr. BEVERIDGE. I do.

Mr. FORAKER. The question is how it got into the organic act. Assuming what the Senator from Indiana has stated to be the correct explanation of it, the fact remains that it is exceptional. It was never put into any other act.

Mr. BEVERIDGE. That is the point.

Mr. FORAKER. It is the very opposite of what was put in any other act. Was it not done on purpose?

I understood the Senator to say it was to give a pledge that this Territorial government should be continued; he says in order that a few people might enjoy offices; but others, who were seeking to establish a Territorial government for a much better reason, as in the case of Senator Wade, perhaps approved it for a public reason.

Mr. BEVERIDGE. I have stated what it means, and I am going to restate what it means, and I hope to the satisfaction of the Senator and the rest of the Senate. I want to stop here and say to the Senator from Ohio that he can pay Senator Wade of his State no eulogy which I will not italicize. No, he knew nothing about this part of the scheme. The suggestion made to him, fervid as he was in his loyalty, fierce as he was in his uionism, was that this was a better way for holding the Territory for the Union. They were careful to conceal this from such men as Ben Wade, but the records show that they did propose it to members of the House. What is the result of that? I am now coming to the Senator's question, what they meant.

Let us take the whole circumstances of this remarkable affair. Let us take the fact that this language was used nowhere else in any

other organic act, and that no Senator has been able to give a reason why the people of Arizona should have been given superior rights to the people of Idaho or any other Territory in this country. No Senator has been able to state why it was, if this language means what they say it means, why the people of Dakota and Washington and Oklahoma and every other Territory did not insist upon the same language. Why didn't they demand the same language if it means a compact?

Now, Mr. President, such was the statement of Poston. Let us see how accurate he was. He was named by Gourley, at that time a member of Congress, at this "oyster supper" as Indian agent. Very well. No sooner had the act passed than he was appointed Indian agent. Gourley was a member of Congress. His term expired on March 3, 1863. He was the first governor appointed for this new Territory, and he was one of the men who voted for it, and Poston says that is thereason why he did vote for it.

The second governor of this Territory and the first chief justice was John N. Goddwin. He was commissioned August 21, 1863, and he was a member of Congress from July 4, 1861, to March 3, 1863. So we go on throughout the whole list of these members of Congress whom Poston says were "lame ducks," and who were to vote for this bill in order to get offices and actually did get offices.

The most that has been claimed for this language is that it puts a moral obligation upon Congress—not a legal one. In the light of the origin of this compact, what becomes of its "moral" phase?

THE ACT PASSED IN WAR TIME.

When the scheme was first set in operation the whole nation—aye, the whole world—was aflame with the excitement of great news from historic battles on land and on sea. The duel between the *Monitor* and *Merrimac* had startled civilization and introduced a new era in maritime warfare. Admiral Farragut had just bombarded Fort Jackson, and taken New Orleans. The battle of Shiloh had just been fought, and the cost of the Union victory there had covered the North with gloom in the very hour of triumph. This was the period when the great conflict at Fair Oaks and the Seven Days Battle were fought. It was the time when Lee's genius was shining in its fullest luster, Stonewall Jackson was winning for himself undying military renown, and Grant's permanent star of immortality had only just risen above the horizon. It was an hour when Washington itself was threatened with imminent danger of capture, and the minds of men were filled with thoughts of their own and their country's peril.

Day by day as the bill was before this body the thunder of galloping squadrons and batteries of artillery going to the front sounded all through Washington. Nobody was thinking about the language to be used in establishing the Territory of Arizona. Nobody was thinking of Arizona at all. Poston says in his journal, "*Nobody knew where Arizona was,*" and Senator McDougall, of California, said, "I can not get Senators to listen to me." There is no wonder that they would not listen to him.

These were the days when Mr. Poston and his associates got through the measure establishing a separate territorial government for Arizona, and adding to that act the significant language that that "government" should be maintained until it was admitted as a State, so fearful were they that as soon as the war was over and men's minds were settled to a just appreciation of the severe measure taken during that period, their work would be undone.

And every month, every day, every hour from that time till the passage of the bill the struggle of the Titans went on, and the entire American people were convulsed with the horror, the glory, and the sacrifice of war. During the remainder of 1862 the battles of Perryville, Corinth, and Antietam were fought. Toward the end of that year Grant's first attack on Vicksburg was made and failed. Just when this measure was passing the movements were being made that resulted in the tremendous battle of Chancellorsville. And this itself had been preceded less than three months before by the awful slaughter at Fredericksburg, with its overwhelming Union defeat and Federal loss of 13,000 men to the Confederate loss of 4,000 men. These, I say, were the hours selected by Mr. Poston and Mr. Gourley and their associates to get this bill through. Was it not an ideal time, Mr. President?

MEANING OF THE LANGUAGE.

Yet, notwithstanding the origin of this measure, or the time when it was passed, it is said there is a "moral obligation" on the people of the United States which should prevent them from doing the statesmanlike thing in creating a great Commonwealth out of what nature herself made one and what was originally one politically.

Now, as to what this language means. To Mr. Poston and his associates it meant that they would be certain of not being turned out of office by a correction of this language after the war was over and after it was found out what had been done. That is what it meant to them. Now, what does it mean from the point of view of to-day?

That such *government* shall be maintained—

Very well. It has been maintained—

until it shall be brought in as a State.

Very well again—it is being brought in as a State, Mr. President. This bill does that.

Now, to conclude upon that as I began, the Senator from Ohio will admit that even if it had been an absolute compact in express words passed in times of peace, when men could have given some attention to it, and when men did "know where Arizona was," still it would be within the plenary power and right of Congress to do what it pleases in the creation of this new State, because the creation of this new State has to do with the building of the Nation.

Now, Mr. President, suppose it was a compact. Suppose everything the Senator says is true. Still this bill does not violate it, for this bill at best proposes to submit it to the people. Why are not Senators willing to let the people speak upon the question?

Mr. ALGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Yes; I do.

Mr. ALGER. I wish to ask the Senator if he is willing that the two Territories shall vote separately whether they wish to enter into this compact or not?

Mr. BEVERIDGE. Is the Senator willing that they shall so vote?

Mr. ALGER. Yes, sir; to have them vote separately.

Mr. BEVERIDGE. The Senator is in favor of that proposition?

Mr. ALGER. Yes.

Mr. BEVERIDGE. I am glad to hear that and shall remember it; but I prefer the other method. Mr. President, I will answer the Senator quite fairly, first, because this measure came in this form from the House; second, because this State ought to be established by reuniting these two Territories; third, because the temporary line authorized by Congress does not give vested rights to the inhabitants on either side of it; fourth, because these people were originally one, and in reality and in substance are one to-day, with a common destiny and with the same ambitions, the statement of the governor of one of these Territories to the contrary notwithstanding. I am in favor of submitting it to the people of these Territories, who are in substance one, as proposed in the bill which has come from the House of Representatives.

Mr. ALGER. Why not to each?

Mr. BEVERIDGE. Mr. President, I can readily see that even if it was submitted to each there might be influences, organizations, ambitious politicians, enormously rich property owners, and other "influences" that would never allow the people to have a chance to vote upon it directly. Here are the people upon the one side; there are the "interests" upon the other side.

I call attention to another fact. When a State is vast and mighty, there is not much chance for that sort of thing. When it is small and people are scattered, there is. No person has ever heard of any trouble or corruption in Texas. It is too great; the people are too widely extended; they are too numerous. I prefer the House provision.

Mr. ALGER. I understand the Senator prefers the House bill and says we have to take the House bill or none.

Mr. BEVERIDGE. I should be glad to say how the Senator had to vote, if I could.

Mr. ALGER. The argument seems to be in substance, as I have understood the Senator, that New Mexico needs Arizona as a schoolteacher. Another Senator said that the other day. The Senator says now that New Mexico, because of the influence of Arizona, could be made American. Did not the Senator say that?

Mr. BEVERIDGE. Yes; I say so, and it is true.

Mr. ALGER. Then why saddle New Mexico, the great, because they have the most ballots, upon Arizona, the small, which is intelligent, patriotic, and wants self-protection?

Mr. BEVERIDGE. First, because it is no saddling. There is no such a thing, Mr. President, as saddling one State with the population of another State. Second, they should be reunited for the benefit of the nation. I explained that to the Senate, and will be glad to go over it again.

Mr. ALGER. I understand the Senator's position.

Mr. BEVERIDGE. If Arizona and New Mexico are reunited you surround the Mexican population with Americans, and this in the course of a single generation will Americanize all of it. The nation has something to say about this business. The whole country is interested in this thing, as well as the people who own property in Arizona. That is what the Senator forgets—the interest of the nation.

Mr. ALGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. I do.

Mr. ALGER. I should think, Mr. President, that the people who live in Arizona, who went there under this pledge by the Government, if ever a pledge was made, should have something to say about being annexed to a larger Territory where they know that their votes will count for naught.

WHO READ THIS LANGUAGE?

Mr. BEVERIDGE. Why, the larger Territory is being annexed to them. There is a point I am glad the Senator mentioned. "The people who went there under this pledge," he says. I have gone over what this so-called pledge is, and how it was made. Oh, yes; it is a fine pledge "to the people." The Senator himself, who is most earnest against this bill, only insisted that it was a moral obligation, and I have thrown the light upon the origin of the "moral obligation." Now, he says this "moral obligation" is owing to the people who have gone there under that pledge. That would be true if the people, this being a pledge, had gone there after having read this language. I will ask the Senator to rise in his seat and state to the Senate how many people of the 123,000 Americans, Mexicans, and Indians in Arizona ever read this language before they went there. went there.

Mr. ALGER. I should like to counter that——

Mr. BEVERIDGE. Why not answer it and not counter it?

Mr. ALGER. And ask the Senator what he knows about the people in New Mexico having read this pledge.

Mr. BEVERIDGE. This pledge the Senator does not say goes to the people of New Mexico.

Mr. ALGER. What does the Senator know about the people in New Mexico not having read this pledge?

Mr. BEVERIDGE. I know what the Senator knows, and what all of us know, that not one out of one hundred thousand people in both the Territories ever knew anything about that language when they went there.

Mr. ALGER. Of course I know——

Mr. BEVERIDGE. Does not the Senator know that?

Mr. ALGER. The Senator knows all I know, and a great deal more.

Mr. BEVERIDGE. I will not retort to that. The Senator has brought this up. I ask the Senator whether or not he believes there is a single man in either Territory who went there after having read this language and because of the so-called pledge which he construes to be there?

Mr. ALGER. I have talked with scores of people in Arizona who are opposed to uniting their Territory with New Mexico——

Mr. BEVERIDGE. How many of them read it before they went there?

Mr. ALGER. And every one who talked with me about it, as I say, scores of them, referred to this and said that Arizona had a pledge from the Government that they should never be united with New Mexico.

Mr. BEVERIDGE. I ask the Senator if he can tell me how many people in Arizona he believes went there having first read this language and having gone there because of it?

Mr. ALGER. There are a great many people there who, perhaps, did not expect to go there to remain.

Mr. BEVERIDGE. Yes.

Mr. ALGER. I made some investments there that I will sell in a minute if this goes through.

Mr. BEVERIDGE. Oh! After that there is nothing more to be said.

To return to the other point, will the Senator kindly inform us how many people he really does believe read this language and went there because of it.

Mr. ALGER. I do not think about it.

Mr. BEVERIDGE. All right; there is no use of debating that. So, Mr. President, that ends that portion of the debate.

WHY NOT LET THE PEOPLE VOTE ON IT?

Now, what have been the two reasons advanced why this should not be submitted to the people? Mr. President, there have been two reasons advanced for not submitting it to the people. I want to call the attention of the Senate to the fact that these are the only two reasons ever given, either in public or in private, why the people should not be allowed to vote on this question. It is an amazing thing, you know, that the lobby from Arizona, and the lobby from New Mexico, and all the influences, the railroads, mine owners, and everybody who is against this bill are not willing to let the people down there vote upon it and determine the question.

Mr. ALGER. They are willing, and only ask to vote separately.

Mr. BEVERIDGE. Why are they not willing to let them vote on it? Why not let the verdict of the ballot box determine this question? If you say that these people and not the people of the United States should settle it, why not hear from the people instead of hearing from politicians who want offices and who say they represent the people?

Well, there have been two reasons found, Mr. President, given in formal debate, and I call the attention of the Senate, and particularly those Senators on both sides who are opposed to this bill, to these reasons. They were both advanced by the Senator from California [Mr. BARD], but they have never been repeated by any other Senator.

The first reason was this: It is said because the school lands down in these two Territories are sterile and worthless, and because we have put in a provision giving $5,000,000 for a school fund, therefore when the people come to vote upon this bill and find they are going to get $5,000,000 to educate their children with, they will be bribed by that educational advantage to their children into voting for something against their interests.

That is a correct statement of the only reason given here except one other why the people should not be allowed to vote. Think of it, Mr. President! Because we are providing for educational advantages for those people's children, it is said that the people will be corrupted by that fact into voting against their interests, and that, therefore, the question ought not to be submitted to them at the ballot box.

Mr. BARD. Will the Senator allow me to read the language I used?

Mr. BEVERIDGE. I hope the Senator will do so.

Mr. BARD. I think the Senator has entirely misunderstood me.

Mr. BEVERIDGE. I hope I have.

Mr. BARD. I said this:

The bill sets before the people of both Territories, as a consideration for their acquiescence, the seductive offers——

Mr. BEVERIDGE. "Seductive offers."

Mr. BARD (reading)—

of the grant of public lands larger in area than has ever been granted before to a new State at the time of its admission and also the grant of $5,000,000 in ready money.

When the proposed constitution shall be submitted there will be called at the same time, as is usual in such cases, an election for State, county, and township officers.

Mr. BEVERIDGE. I am going to come to that. I want to answer that. There are educational reasons——

Mr. BARD. Will the Senator allow me?

Mr. BEVERIDGE. All right; go ahead.

Mr. BARD (reading)—

Think of the candidates, estimated at 1,000 in number, who will be interested in the result, and of the conversions they will make for adoption of the constitution, in order that their candidacy shall not be without results. Qualified voters of both Territories, under such conditions, will be seduced——

Mr. BEVERIDGE. Yes.

Mr. BARD (reading)—

and, throwing their convictions to the winds——

Mr. BEVERIDGE. Yes.

Mr. BARD (reading)—

will vote for the constitution in order that their friends or the hundreds of candidates of their party may win the offices.

Mr. BEVERIDGE. I thank the Senator. His language was much stronger than mine. The people, he says, will be "seduced" by these considerations into voting against their interests. The Senator confirms what I said. The first reason why the Senator is not willing to let this thing go to the people is because, as he says he has just urged, we are giving them a lot of public land for schools and $5,000,000, and their anxiety to get that educational advantage for their children will "seduce" them into voting against their interests.

That is one reason; and the second reason the Senator says he has just urged is that because they will have the opportunity to vote for so many offices, local and State, therefore the fact that they are voting for the machinery of self-government will "seduce" them into voting against their interests. Why, that is an indictment of all self-government. If that is true, no State or no Territory ought to have been permitted to vote upon an enabling act. Think of it, Mr. President! These people are not to be permitted to vote for self-government, says the Senator from California, because the very act of voting for self-government will "seduce" them into voting against their interests.

Those are the only two reasons ever given, the educational bribe and the free-government bribe, why these people should not be permitted to cast their ballots for or against this measure. Does that appeal to the intelligence or to the patriotism of any Senator upon this floor? I am not surprised that those two reasons have not been advanced by any other Senator.

THIS NOT A GOVERNMENT OF SECTIONS.

Now, Mr. President, there is but one argument that remains against this bill, but it is the most serious argument of all. It is the argu-

ment resurrected from a former and unhappy period, that ours is not a nation of people, but a government of sections. It is said that the section in question is mighty in extent, and that it ought to have more Senators based upon the proportion its area bears to the rest of the area of the country. Why, Mr. President, that proposition negatives popular government itself. It is based upon the theory that this is a government of areas and not of people. That is based upon the theory that representation in Congress should be determined by acres and not by inhabitants.

Mr. President, that doctrine is out of date. It expired amid the smoke and flame of battle more than forty years ago. Nobody believes in it any more all over this country. Even the Senator from North Dakota [Mr. McCUMBER], who advanced it, does not believe in it himself. Neither of the Senators from North Dakota, working against this bill, believes it. Because if they do believe in the sectional argument why do they not propose the division of North Dakota? It would make two Indian Territories; it would nearly make two Oklahomas. If there ought to be more western Senators, why does neither Senator dare propose the division of his State? Are Senators willing to go back and have it said to their people that they believe this is a government of sections and not a government of people? Are they willing to say that because they want more western Senators they propose to redivide North Dakota? If they are not, then they do not believe in the sectional argument.

Mr. HANSBROUGH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. I do.

Mr. HANSBROUGH. Has anybody used on the floor the argument that we should have more Western Senators?

Mr. BEVERIDGE. Yes.

Mr. HANSBROUGH. Who?

DANGER OF "SECTIONS" IN REPUBLIC.

Mr. BEVERIDGE. It has been advanced upon this floor that we ought to have more Senators west of the Mississippi River, and an illustration was made by a line drawn up and down the Mississippi River. It has been advanced upon this floor, from the time the Senator from California made his address clear down almost to the last speech, that certain sections of this country should be more numerously represented, and an elaborate argument was made showing how long the line was from the Gulf of Mexico over to the Pacific Ocean and how few Senators that section had, and therefore it was argued it ought to have more. That argument has been advanced; and has not the Senator privately advanced the argument himself? But, Mr. President, I do not think any Senator is going to be found contending that this is a Government of sections, and propose to make that argument good by subdividing his own State.

No, Mr. President, the people of North Dakota do not believe in that dogma. Neither is it believed by the people of Montana, because, as I said early in my remarks, in the last campaign the governor of Montana humorously referred to a proposition to divide that imperial Commonwealth, and the people got hold of it and thought he was in earnest, and he had to repeat all over the State of Montana and in the public press that he did not mean any such thing. The people of Texas do not believe in this. If they did they would send ten Senators here. Nobody believes in it any more, Mr. President.

The Senator who advanced the sectional argument admitted, upon being questioned, that if a line were drawn north and south, splitting the United States half in two, four-fifths of the people living on one side of that line and one-fifth of the people living on the other side of the line, to give an equal representation in this body to those two sections would be a denial of the principle of equal popular government upon which this Republic is founded.

Oh, Mr. President, there are no sections in this country. There are no classes in this Republic. There can be no antagonistic communities in this nation. Our interests are one. The interests of Maine are the same as the interests of California. The interests of one section of the country are precisely the same as the interests of the other sections of this country, because this is a nation of people and not an accumulation of classes or of sections.

EUROPEAN THEORY OF "BALANCE OF POWER" ALIEN TO AMERICA.

The idea, Mr. President, that an equilibrium ought to be maintained between certain sections in this country negatives the whole idea of our nationhood. It introduces into our Republic the European theory of the balance of power. Well, that theory has no place in the United States of America. Our interests are the same. The people of Ohio think as much of the people living on our Atlantic seaboard, between whom and them the mountains stretch, as the people of Indiana think of the people of Illinois, between whom there is no division except a line drawn by the hand of imagination.

Mr. President, this idea of sectional equilibrium is based upon the idea of sectional hostility. It is assumed that there are certain areas in this country that have interests which are hostile to other areas of this country. As I said a moment ago, that is hostile to the whole theory of our Government. It is a denial of the first and the ruling words of the Constitution, "We, the people of the United States." For those are the governing words of the Constitution, "We, the people," and not "We, the sections," or "We, the States."

Mr. President, it is a revival of that doctrine and that heresy which nearly wrecked this Republic once and which is the only danger before this country's future. Because, Mr. President, no matter what we may say about the dangers in the way of the Republic there are in reality but two perils, the peril of sections and the peril of classes. If the nation ever founders it will be upon one of these rocks which we all fondly believed the civil war had forever blasted from the path of this nation's progress. Unless the spirit of unity develops so strongly among the American people that all consciousness of section is lost in the larger, grander, truer consciousness of national unity, you have ever present the seeds of dissolution. Unless the idea that there are classes within this Republic whose interests are at war is utterly destroyed by the noble truth that all Americans are brothers, and that the welfare of each depends upon the welfare of all, you will have ever at hand that spirit which has never failed to lead to fratricidal strife.

Mr. GALLINGER. Will the Senate permit me?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. I do not expect to vote with the Senator on this bill; my views are different from his; but I should like the Senator to cite me to any speech that has been made on either side of the Chamber reviving sectional animosities or advocating sectional views. I have not heard it.

Mr. BEVERIDGE. It was advanced very elaborately and very powerfully by a Senator on this floor that we should have more Senators from a certain section; that we should have more Senators, not only from certain sections but from certain classes, or, as the Senator who made the speech stated, from certain "industries." The Senator from California himself spoke about how few Senators there were representing this section; and I say that the meaning, the heart, of that idea is that this is a government of sections and not a government of people.

Mr. GALLINGER. Does the Senator from Indiana really think that there are any more patriotic or liberty loving people than the Senator from California and his constituents?

Mr. BEVERIDGE. Not a bit. The Senator will pardon me. The Senator from California took that position. It is a difference of theory.

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. I say the Senator from New Hampshire, and all other Senators, have an equal interest in the country.

Mr. GALLINGER. I have listened to the Senator four or five times when he has stated that this is not a matter of establishing a State, but a matter of nation building.

Mr. BEVERIDGE. It is.

Mr. GALLINGER. We all agree with the Senator on that. I deny that there is a Senator in this Chamber who does not agree with the Senator on that broad proposition; but I really think the Senator has not been quite fair in saying that any Senator has advocated a sectional division in this discussion.

Mr. BEVERIDGE. Then the Senator has not paid attention to this debate, for the most powerful argument made against this bill has been that there should be more Senators from certain sections, and not only that——

Mr. GALLINGER rose.

Mr. BEVERIDGE. Not only that, if the Senator will pardon me, but it was really advanced in a serious argument here, that representation depended not upon population only, but upon "industries;" that is to say, that we should have representation by sections, by areas, and even by classes; and I say the principle that gives vitality and meaning to these two propositions, is a principle that would mean the disintegration of the Republic, if we should adopt it.

Mr. GALLINGER. Of course, I think, Mr. President, the Senator is chasing a will-o'-the-wisp.

Mr. BEVERIDGE. That is what it is—a will-o'-the-wisp. But that is the best argument against this bill.

Mr. GALLINGER. That is the Senator's argument now. I say to the Senator that I do not think he has any patent on patriotism in this body.

Mr. BEVERIDGE. The Senator need not say that. I am yielding to the Senator. But I call the Senator's attention to the fact that a moment ago I said that I conceded to every Senator in this body as much interest in this Republic as every other Senator.

Mr. GALLINGER. Very well.

Mr. BEVERIDGE. Very well. Then, what I am talking about is the difference of theory. That is all.

Mr. GALLINGER. I do not want——

Mr. BEVERIDGE. I am trying to close this debate. I am claiming no monopoly on anything.

Mr. GALLINGER. Undoubtedly; but I think this discussion should be conducted on a little different ground from that.

Mr. BEVERIDGE. I think so, too.

Mr. GALLINGER. But if the Senator wishes to pursue it, of course that is his privilege.

Mr. BEVERIDGE. Why, Mr. President, while that argument was being made, I will say to the Senator that I sat near the Senator from Wisconsin, and it was he who suggested that that introduced into this Republic the European theory of "the balance of power." So, as I said, I am not alone in my understanding of the discussion.

Mr. GALLINGER. The Senator from Wisconsin must speak for himself.

Mr. BEVERIDGE. I want to say to the Senator that these arguments were made and there would have been no vitality in them unless it is in the principle behind them. Yet this bill is opposed on these two grounds. More Senators are asked for on account of geography and regardless of present or future population. We hear a demand for greater representation of classes, or, as one Senator puts it, of industries, regardless of numbers or preparedness for statehood. I say to the Senator that this bill ought to win on that grave issue alone. For this is a national bill. It knows no section; it knows no class; it is based upon the fundamental idea of our American life, that we Americans are all brethren with the same interests from ocean to ocean, from Canadian soil to Mexican frontier.

Mr. GALLINGER. Who has denied that?

Mr. BEVERIDGE. Well, it has been denied, Mr. President, and two speeches have been made upon it. I am glad to see that the Senator from New Hampshire, as I was sure he would, agrees with me. And since that sectional issue is raised, I say we can not do better than to destroy it—now, when it is revived under the guise of pleading for more representation for a certain section. No, no, let us not go back to the old and discredited motto that this is a government of sections, for sections, and by sections, but let us all keep as our national pillar of cloud by day and pillar of fire by night that principle presented to us by the greatest of Americans, that this is "a government of the people, by the people, and for the people." So shall we grow in brotherly affection and so shall the Republic of the people "not perish from the earth."

Mr. President and Senators, this is the last word the Committee on Territories shall have to utter on this bill. Our task has not been either a pleasant or an easy one. It is not an agreeable thing to deny the request of friends whom we should like to oblige; it is not an easy thing to resist the ceaseless force of the careful organizations of able and interested men working night and day against a measure; it is not a pleasant thing to have personal associations appealed to. But, Mr. President, as difficult and unpleasant as has been the road of this committee, we have nevertheless traveled it without variableness or shadow of turning. We have done this, Mr. President, because the majority of this committee have believed that we saw in the road we have traveled the path of duty.

Mr. President, the majority of your committee who reported this measure is not a sectional committee. It includes Senators from the New England States, from the Atlantic seaboard, from the Mississippi Valley, from the great Northwest, at least one of whom has with his own hands helped to erect the structure of American civilization in the very heart of the primeval wilderness. This bill which the American people, through their House of Representatives, has sent to us, is no sectional bill. It is a national measure, wise for to-day and wiser for to-morrow. It knows neither sections nor States nor classes. For that reason, Mr. President, and the other reasons which have been given, it has the sanction of your committee. We believe it is just and righteous, and for it we have battled with all our might.

And so, Mr. President, convinced that we do the will of the nation and execute the judgment of the American people, we deliver this bill over to the Senate and ask the Senate to ratify the action of the House of Representatives. Our duty is done; we have kept the faith; and in the name of the Republic, and in that alone, this committee invoke upon this measure your righteous verdict. [Applause in the galleries.]

The PRESIDENT pro tempore. Applause is not permitted in the Senate.

Mr. BEVERIDGE. Mr. President, I ask for a reprint of the usual number of copies of the statehood bill as it stands at the present time, with the amendments that have been agreed to and the amendments that have been passed over.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair understands the Senator from Indiana to ask for a reprint of what is known as the "statehood bill."

Mr. BEVERIDGE. Yes; with the amendments of the committee and other amendments that have been agreed to and are now a portion of the bill, as well as those amendments of the committee which have been passed over.

The PRESIDING OFFICER. The Chair understands the request of the Senator to be for a reprint of the bill as it now stands. Is there objection?

Mr. ALLISON. That reprint will disclose the amendments agreed to and those still pending?

The PRESIDING OFFICER. The individual amendments that are pending will not be included.

Mr. ALLISON. I understand there are some amendments that have not yet been agreed to. The reprint ought to show the amendments that have been agreed to and those that have been passed over.

The PRESIDING OFFICER. That is correct. They will all be noted in the reprint. In the absence of objection to the request of the Senator from Indiana [Mr. BEVERIDGE], the order will be made.

FUEL FOR DISTRICT PUBLIC SCHOOLS.

Mr. ALLISON. I ask unanimous consent at this time to report from the Committee on Appropriations without amendment the bill (H. R. 18523) making an appropriation for fuel for the public schools of the District of Columbia.

The PRESIDENT pro tempore. In the absence of objection, the report will be received.

Mr. ALLISON. I ask unanimous consent for the consideration of the bill at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $30,000 to supply a deficiency in the appropriation for fuel for public schools in the District of Columbia for the fiscal year 1905, one half to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIRCUIT AND DISTRICT COURTS IN ALABAMA.

Mr. PETTUS. I ask unanimous consent at this time to submit a report from the Committee on the Judiciary.

The PRESIDENT pro tempore. In the absence of objection, the report will be received.

Mr. PETTUS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 6232) to provide for circuit and district courts of the United States at Selma, Ala., to report it favorably with amendments.

I ask unanimous consent for the present consideration of the bill. I will state that it establishes an additional place for holding court in Alabama, but it creates no judge and no officer of any kind. The bill requires one of the present judges to hold the court at the place the bill establishes.

The PRESIDING OFFICER (Mr. KEAN in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was to strike out section 1, as follows:

That the northern division of the southern judicial district of Alabama is hereby established, to be composed of the counties of Dallas, Hale, Marengo, Greene, Monroe, Perry, Sumter, and Wilcox, of the southern and middle districts of Alabama.

And to insert in lieu thereof the following:

That the northern division of the southern judicial district of the State of Alabama is hereby established, composed of the counties of Dallas, Hale, Marengo, Monroe, Perry, and Wilcox. And all other counties now in the southern judicial district of the State of Alabama shall constitute the southern division of the southern district of Alabama; and the courts of said southern division shall be held in Mobile as now provided by law.

The amendment was agreed to.

The next amendment was, on page 1, line 7, after the words "SEC. 2," to strike out:

That a term of the circuit court and of the district court for the southern district of Alabama shall be held at Selma, in said State, on the second Mondays in —— and —— in each year;

And to insert:

That a term of the circuit court and of the district court for the northern division of the southern judicial district of the State of Alabama shall be held in Selma, in Dallas County, in said State, on the first Monday in November and the fourth Monday in May in each year;

So as to make the section read:

SEC. 2. That a term of the circuit court and of the district court for the northern division of the southern judicial district of the State of

Alabama shall be held in Selma, in Dallas County, in said State, on the first Monday in November and the fourth Monday in May in each year; and it shall be the duty of the clerk, marshal, and other officers of the southern judicial district to attend said terms of said court and perform all the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district. If in the opinion of the court it shall become necessary, a deputy clerk may be appointed: *Provided, however,* That suitable rooms and accommodations are furnished for the holdings of said courts free of expense to the Government of the United States.

The amendment was agreed to.

The next amendment was, in section 8, page 4, line 1, after the words "day of," to strike out "March" and insert "April;" so as to make the section read:

SEC. 8. That this act shall be in force from and after the 1st day of April, A. D. 1905.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 7, 1905, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 6, 1905.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

IMPEACHMENT OF JUDGE SWAYNE.

Mr. PALMER. Mr. Speaker, in the matter of the impeachment of Judge Charles Swayne, the managers on the part of the House have considered the answer filed by the respondent, a certified copy of which has been furnished them, and move that the House adopt the following replication, which I send to the Clerk's desk to be read.

The Clerk read as follows:

Replication by the House of Representatives of the United States of America to the answer of Charles Swayne, judge of the United States in and for the northern district of Florida, to the articles of impeachment exhibited against him by the House of Representatives.

The House of Representatives of the United States have considered the several answers of Charles Swayne, district judge of the United States in and for the northern district of Florida, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantage of exception to the insufficiency, irrelevancy, and impertinency of his answer to each and all of the several answers of impeachment exhibited against the said Charles Swayne, judge as aforesaid, do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charges against said Charles Swayne in said articles of impeachment or either of them; and for replication to said answer, do say that said Charles Swayne, district judge of the United States in and for the northern district of Florida, is guilty of the high crimes and misdemeanors mentioned in said articles, and that the House of Representatives are ready to prove the same.

Mr. PALMER. Mr. Speaker, I move the adoption of the replication.

The SPEAKER. The question is on agreeing to the replication.

The replication was agreed to.

Mr. PALMER. Now, Mr. Speaker, I move the adoption of the following resolution.

The Clerk read as follows:

Resolved, That a message be sent to the Senate by the Clerk of the House informing the Senate that the House of Representatives has adopted a replication to the answer of Charles Swayne, judge of the northern district of Florida, to the articles of impeachment exhibited against him and that the same will be presented to the Senate by the managers on the part of the House.

And also, that the managers have authority to file with the Secretary of the Senate, on the part of the House, any subsequent pleadings they shall deem necessary.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SHIP SUBSIDIES.

Mr. SPIGHT. Mr. Speaker, I ask unanimous consent of the House that the minority of the Committee on Merchant Marine and Fisheries be allowed to presene their views on House bill 17098, known as the "ship subsidy" bill, by Wednesday next.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the minority of the Committee on Merchant Marine and Fisheries be granted until Wednesday next to file their views upon the bill indicated. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and resolutions of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6951. An act to authorize the Spokane International Railway Company to construct and maintain bridges across the Pend d'Oreille River and the Kootenai River, in the county of Kootenai, State of Idaho;

S. 5718. An act granting a pension to Alma L'Hommedieu Ruggles; and

Senate concurrent resolution 99.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 10,000 copies of the final report of the Commission on International Exchange, together with the appendixes thereto, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission.

The message also announced that the Senate had passed with amendments joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

H. J. Res. 185. Joint resolution authorizing and directing the Director of the Census to collect and publish additional statistics relating to cotton.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands is the Red Lake Indian Reservation, Minn.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 18280. An act to extend the western boundary line of the State of Arkansas.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 73.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill entitled "An act granting an increase of pension to Jacob F. French.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12346. An act to correct the military record of William J. Barcroft.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6834. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 5888. An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.;

S. 6514. An act for the relief of the Church of Our Redeemer, Washington, D. C.;

S. 6489. An act to amend section 9 of the act of August 2, 1882, concerning lists of passengers;

S. 6371. An act to confirm title to lot 5, in square south of square No. 990, in Washington, D. C.;

S. 5937. An act to amend an act to regulate the height of buildings in the District of Columbia;

S. 6312. An act providing for the construction of irrigation and reclamation works in certain lakes and rivers; and

S. 5799. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak., and upon certain lands which were heretofore a part of the Devils Lake Indian Reservation, in the State of North Dakota.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and concurrent resolution of the following titles were taken from the Speaker's

table and referred to their appropriate committees as indicated below:

S. 5718. An act granting a pension to Alma L'Hommedieu Ruggles—to the Committee on Pensions.

Senate concurrent resolution 99:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 10,000 copies of the final report of the Commission on International Exchange, together with the appendices thereto, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission—

to the Committee on Printing.

WIND RIVER INDIAN RESERVATION.

Mr. MONDELL. Mr. Speaker, I ask that the rules be suspended and that the House pass the bill (H. R. 17994) to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect.

Mr. McMORRAN. Mr. Speaker, at the proper time I wish to be recognized to demand a second.

The Clerk read as follows:

Whereas James McLaughlin, United States Indian inspector, did on the 21st day of April, 1904, make and conclude an agreement with the Shoshone and Arapahoe tribes of Indians belonging on the Shoshone or Wind River Reservation in the State of Wyoming, which said agreement is in words and figures as follows:

"This agreement made and entered into on the 21st day of April, 1904, by and between James McLaughlin, United States Indian Inspector, on the part of the United States, and the Shoshone and Arapahoe tribes of Indians belonging on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, witnesseth:

"ARTICLE I. The said Indians belonging on the Shoshone or Wind River Reservation, Wyo., for the consideration hereinafter named, do hereby cede, grant, and relinquish to the United States all right, title, and interest which they may have to all the lands embraced within the said reservation, except the lands within and bounded by the following described lines: Beginning in the midchannel of the Big Wind River at a point where said stream crosses the western boundary of the said reservation; thence in a southeasterly direction following the midchannel of the Big Wind River to its conjunction with the Little Wind or Big Popo-Agie River, near the northeast corner of township 1 south, range 4 east; thence up the midchannel of the said Big Popo-Agie River in a southwesterly direction to the mouth of the North Fork of the said Big Popo-Agie River; thence up the midchannel of said North Fork of the Big Popo-Agie River to its intersection with the southern boundary of the said reservation, near the southwest corner of section 21, township 2 south, range 1 west; thence due west along the said southern boundary of the said reservation to the southwest corner of the same; thence north along the western boundary of said reservation to the place of beginning: *Provided*, That any individual Indian, a member of the Shoshone or Arapahoe tribes, who has, under existing laws or treaty stipulations, selected a tract of land within the portion of said reservation hereby ceded, shall be entitled to have the same allotted and confirmed to him or her, and any Indian who has made or received an allotment of land within the ceded territory shall have the right to surrender such allotment and select other lands within the diminished reserve in lieu thereof at any time before the lands hereby ceded shall be opened for entry.

"ART. II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to dispose of the same as hereinafter provided under the provisions of the homestead, town-site, coal, and mineral land laws, or by sale for cash as hereinafter provided at the following prices per acre: All lands entered under the homestead law within two years after the same shall be opened for entry shall be paid for at the rate of $1.50 per acre; after the expiration of this period, two years, all lands entered under the homestead law within three years therefrom shall be paid for at the rate of $1.25 per acre; that all homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay $1.50 per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of $1.25 per acre shall be paid, payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and 25 cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid; that lands entered under the town-site, coal, and mineral land laws shall be paid for in an amount and manner as provided by said laws; and in case any entryman fails to make the payments herein provided for or any of them within the time stated all rights of the said entryman to the lands covered by his or her entry shall at once cease and any payments therebefore made shall be forfeited, and the entry shall be forfeited and canceled unless the Secretary of the Interior shall, in his discretion and for good cause, excuse for not exceeding six months the said failure, application for which must be made by the settler on or before the date of the payment which would bring him or her in default, and all lands except mineral and coal lands herein ceded remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash at not less than $1 per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price; that lands disposed of under the town-site, coal, and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, and also to pay the said Indians the sum of $1.25 per acre for sections 16 and 36, or an equivalent of two sections in each township of the ceded lands, the amounts so realized to be paid to and expended for said Indians in the manner hereinafter provided.

"ART. III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this agreement, the sum of $85,000 shall be devoted to making a per capita payment to the said Indians of $50 each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available, which per capita payment shall be from the proceeds of the sale of sections 16 and 36 or an equivalent of two sections in each township within the ceded territory, and which sections are to be paid for by the United States at the rate of $1.25 per acre: *And provided further*, That upon the completion of the said $50 per capita payment, any balance remaining in the said fund of $85,000, shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve.

"ART. IV. It is further agreed that of the moneys derived from the sale of said lands the sum of $150,000, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of the Interior for the construction and extension of an irrigation system within the diminished reservation for the irrigation of the lands of the said Indians: *Provided*, That in the employment of persons for the construction, enlargement, repair, and management of such irrigation system, members of the said Shoshone and Arapahoe tribes shall be employed wherever practicable.

"ART. V. It is agreed that at least $50,000 of the moneys derived from the sale of the ceded lands shall be expended, under the direction of the Secretary of the Interior, in the purchase of live stock for issue to said Indians, to be distributed as equally as possible among the men, women, and children of the Shoshone or Wind River Reservation.

"ART. VI. It is further agreed that the sum of $50,000 of the moneys derived from the sales of said ceded lands shall be set aside as a school fund, the principal and interest on which at 4 per cent per annum shall be expended under the direction of the Secretary of the Interior for the erection of school buildings and maintenance of schools on the diminished reservation, which schools shall be under the supervision and control of the Secretary of the Interior.

"ART. VII. It is further agreed that all the moneys received in payment for the lands hereby ceded and relinquished, not set aside as required for the various specific purposes and uses herein provided for, shall constitute a general welfare and improvement fund, the interest on which at 4 per cent per annum shall be annually expended under the direction of the Secretary of the Interior for the benefit of the said Indians, the same to be expended for such purposes and in the purchase of such articles as the Indians in council may decide upon and the Secretary of the Interior approve: *Provided, however*, That a reasonable amount of the principal of said fund may also be expended each year for the erection, repair, and maintenance of bridges needed on the reservation, in the subsistence of indigent and infirm persons belonging on the reservation, or for such other purposes for the comfort, benefit, improvement, or education of said Indians as the Indians in council may direct and the Secretary of the Interior approve. And it is further agreed that an accounting shall be made to said Indians in the month of July in each year until the lands are fully paid for, and the funds hereinbefore referred to shall, for the period of ten years after the opening of the lands herein ceded to settlement, be used in the manner and for the purposes herein provided, and the future disposition of the balance of said funds remaining on hand shall then be the subject of further agreement between the United States and the said Indians.

"ART. VIII. It is further agreed that the proceeds received from the sales of said lands, in conformity with the provisions of this agreement, shall be paid into the Treasury of the United States and paid to the Indians belonging on the Shoshone or Wind River Reservation, or expended on their account only as provided in this agreement.

"ART. IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township or to dispose of said land except as provided herein, or to guarantee to find purchasers for said land or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided.

"ART. X. It is further understood that nothing in this agreement shall be construed to deprive the said Indians of the Shoshone or Wind River Reservation, Wyo., of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this agreement.

"ART. XI. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by a majority of the male adult Indians parties hereto, and when accepted and ratified by the Congress of the United States.

"In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging on the Shoshone or Wind River Indian Reservation, Wyo., have hereunto set their hands and seals at the Shoshone Agency, Wyo., this 21st day of April, A. D. 1904.

[SEAL.] "JAMES MCLAUGHLIN,
"*United States Indian Inspector.*

No.	Name.	Age.	Mark.	Tribe.
1	George Terry	48		Shoshone (seal).
2	Myron Hunt (and 280 more Indian signatures).	48	X	Do.

"We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Shoshone or Wind River Reservation, Wyo.; that it was fully understood by them before signing, and that the agreement was duly executed and signed by 282 of said Indians.

"CHARLES LAHOE,
"*Shoshone Interpreter.*
"MICHAEL MANSON,
"*Arapahoe Interpreter.*

"SHOSHONE AGENCY, WYO., *April 22, 1904.*

"We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and of

the 282 Indians of the Shoshone or Wind River Reservation, Wyo., to the foregoing agreement.

"JOHN ROBERTS,
"*Missionary of the Protestant Episcopal Church on the Reservation.*
"JOHN S. CHURCHWARD,
"*Assistant Clerk, Shoshone Agency, Wyo.*

"SHOSHONE AGENCY, WYO., *April 22, 1904.*

"I hereby certify that the total number of male adult Indians, over 18 years of age, belonging on the Shoshone or Wind River Reservation, Wyo., is 484, of whom 282 have signed the foregoing agreement.

"H. E. WADSWORTH,
"*United States Indian Agent.*

"SHOSHONE AGENCY, WYO., *April 22, 1904.*"

Therefore

Be it enacted, etc., That the said agreement be, and the same is hereby, accepted, ratified, and confirmed, except as to Articles II, III, and IX, which are amended and modified as follows, and as amended and modified are accepted, ratified, and confirmed:

ART. II. In consideration of the lands ceded, granted, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to dispose of the same, as hereinafter provided, under the provisions of the homestead, town-site, coal and mineral land laws, or by sale for cash, as hereinafter provided, at the following prices per acre: All lands entered under the homestead law within two years after the same shall be opened for entry shall be paid for at the rate of $1.50 per acre; after the expiration of this period, two years, all lands entered under the homestead law within three years therefrom shall be paid for at the rate of $1.25 per acre; that all homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay $1.50 per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of $1.25 per acre shall be paid; payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and 25 cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid; that lands entered under the town-site, coal and mineral land laws shall be paid for in an amount and manner as provided by said laws; and in case any entryman fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall at once cease and any payments therebefore made shall be forfeited and the entry shall be held for cancellation and canceled, and all lands, except mineral and coal lands herein ceded, remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash, at not less than $1 per acre, under rules and regulations to be prescribed by the Secretary of the Interior: *And provided*, That nothing herein contained shall impair the rights under the lease to Asmus Boysen, which has been approved by the Secretary of the Interior; but said lessee shall have for thirty days from the date of the approval of the surveys of said land a preferential right to locate, following the Government surveys, not to exceed 640 acres of contiguous mineral or coal lands in said reservation; that said Boysen at the time of entry of such land shall pay cash therefor at the rate of $10 per acre and surrender said lease, and the same shall be canceled: *Provided further*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price; that lands disposed of under the town-site, coal and mineral land laws shall be paid for at the prices provided for by law, and the United States agrees to pay the said Indians the proceeds derived from the sales of said lands, the amount so realized to be paid to and expended for said Indians in the manner hereinafter provided.

ART. III. It is further agreed that of the amount to be derived from the sale of said lands, as stipulated in Article II of this agreement, the sum of $85,000 shall be devoted to making a per capita payment to the said Indians of $50 each in cash within sixty days after the opening of the ceded lands to settlement, or as soon thereafter as such sum shall be available: *And provided further*, That upon the completion of the said $50 per capita payment any balance remaining in the said fund of $85,000 shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve: *Provided*, That the constitution and laws of the State of Wyoming shall not operate to secure any rights having priority to those of members of the Shoshone tribe of Indians to the use of the waters within the territory hereby opened to sale and settlement, including Big Wind River and its tributaries, for purposes of irrigation of the lands comprised within such territory until such time as the United States shall have perfected allotments to the members of the Shoshone Indian tribe, either from the lands to be opened for settlement or within the diminished reservation of said Indians, and completed the necessary steps under the law to secure the desired water rights for the said allotments.

ART. IX. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the lands herein described or to dispose of said lands except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands and to expend for said Indians and pay over to them the proceeds received from the sale thereof only as received, as herein provided.

SEC. 2. That the lands ceded to the United States under the said agreement shall be disposed of under the provisions of the homestead, town-site, coal and mineral land laws of the United States and shall be opened to settlement and entry by proclamation of the President of the United States on June 15, 1906, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter said lands except as prescribed in said proclamation until after the expiration of sixty days from the time when the same are opened to settlement and entry, and the rights of honorably discharged Union soldiers and sailors of the late civil and of the Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States as amended by the act of March 1, 1901, shall not be abridged.

All homestead entrymen who shall make entry of the lands herein ceded within two years after the opening of the same to entry shall pay $1.50 per acre for the land embraced in their entry, and for all of the said lands thereafter entered under the homestead law the sum of $1.25 per acre shall be paid, payment in all cases to be made as follows: Fifty cents per acre at the time of making entry and 25 cents per acre each year thereafter until the price per acre hereinbefore provided shall have been fully paid. Upon all entries the usual fees and commissions shall be paid as provided for in homestead entries on lands the price of which is $1.25 per acre. Lands entered under the town-site, coal, and mineral land laws shall be paid for in amount and manner as provided by said laws. Notice of location of all mineral entries shall be filed in the local land office of the district in which the lands covered by the location are situated, and unless entry and payment shall be made within three years from the date of location all rights thereunder shall cease; and in case any entryman fails to make the payments herein provided for, or any of them, within the time stated, all rights of the said entryman to the lands covered by his or her entry shall cease, and any payments therebefore made shall be forfeited, and the entry shall be held for cancellation and canceled; that nothing in this act shall prevent homestead settlers from commuting their entries under section 2301 of the Revised Statutes of the United States by paying for the land entered the price fixed herein; that all lands, except mineral and coal lands, herein ceded remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder for cash at not less than $1 per acre under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $85,000 to make the per capita payment provided in article 3 of the agreement herein ratified, the same to be reimbursed from the first money received from the sale of the lands herein ceded and relinquished. And the sum of $35,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the same to be reimbursed from the proceeds of the sale of said lands, for the survey and field and office examination of the unsurveyed portion of the ceded lands, and the survey and marking of the outboundaries of the diminished reservation, where the same is not a natural water boundary; and the sum of $25,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, the same to be reimbursed from the proceeds of the sale of said lands, to be used in the construction and extension of an irrigation system on the diminished reserve, as provided in article 4 of the agreement.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

Mr. MADDOX rose.

The SPEAKER. The gentleman from Michigan [Mr. MCMORRAN] who objected to the consideration of this bill upon Saturday, requested to be recognized, in order that he might demand a second, as opposing the passage of the bill.

Mr. MADDOX. Mr. Speaker, that is what I rose for.

Mr. FITZGERALD. Mr. Speaker, five members of the Committee on Indian Affairs have signed a minority report on this bill, and I think that one of those members is entitled to be recognized for the purpose of requesting a second.

The SPEAKER. The Chair will state to the gentleman from Michigan [Mr. MCMORRAN] that as the gentleman from New York [Mr. FITZGERALD] is a member of the Committee on Indian Affairs, a minority report having been made, if he demands a second, under the usage of the House, the gentleman on the committee making the minority report is entitled to recognition to demand a second.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman is opposed to the bill entirely?

Mr. FITZGERALD. Mr. Speaker, I am opposed to its passage in this way, yes.

Mr. MCMORRAN. Mr. Speaker, I hope that the gentleman from Wyoming [Mr. MONDELL], out of courtesy to my colleague, the gentleman from Michigan [Mr. SAMUEL W. SMITH], who is ill in bed and who is interested in this bill, will let this matter run over until he can be heard on the bill.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that a second be considered as ordered, the gentleman from New York [Mr. FITZGERALD] having demanded a second.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wyoming [Mr. MONDELL] will be recognized for twenty minutes, and the gentleman from New York [Mr. FITZGERALD] is entitled to twenty minutes.

Mr. MONDELL. Mr. Speaker, the House has already passed favorably on all of the essential features of this legislation. In the second session of this Congress we passed a bill embodying every important feature of the bill now before the House. It went to the Senate. The Senate passed the bill with amendments. It came back here in the closing hours of the session for concurrence in the Senate amendments. In the meantime the Indian Bureau had sent an inspector to the reservations to negotiate a new treaty, and the fact that a new treaty had been negotiated influenced some Members in the closing hours of the session, so that it was impossible to secure consideration of the Senate amendments. We now come before the House with the

new treaty, a treaty negotiated by an officer of the Indian Bureau, and sent here with its indorsement, a treaty fully justifying the former judgment of the House, in that in every essential respect it is the legislation we passed last session. In brief, the bill provides for the opening to homestead settlement and sale under the town-site, coal-land, and mineral-land laws of about a million and a quarter acres in the Wind River Reservation in central western Wyoming.

The Indians have been desirous of selling these lands for the past five years. They have never occupied them to any considerable extent. Their homes and farms are almost entirely on a portion of the reservation which this bill does not affect. This opens an unimproved, unused portion of the reservation. I think that all those who know of the legislation will bear me out in the statement that no bill proposing to open Indian lands to entry ever presented to the House has been as carefully considered and as well safeguarded as is this bill, which contains, in addition to all of the provisions heretofore contained to secure to the Indians payment for their lands, a provision that the mineral entryman must pay for his land within three years, instead of allowing him to hold it indefinitely by doing annual assessment work, as can be done under the mineral laws elsewhere.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. LIVINGSTON. What is the objection of the gentleman from Michigan [Mr. SAMUEL W. SMITH], the sick member who is absent and can not be here?

Mr. MONDELL. I have never been able to learn. I never knew that he had an objection to the bill until I called it up Saturday. Now, I want to say that some of the minority members of the Committee on Indian Affairs objected to one comparatively unimportant feature of this bill. It is a provision that I did not wish to have placed in the bill, but the majority of the committee, after a full hearing, felt justified in doing so. I will explain what that is. A certain man had a lease on the reserve covering 186,000 acres, which lease the Department of the Interior attempted to cancel, but which it is claimed was not canceled according to the terms of the lease, and in order that there may be no cloud upon the land covered by the lease the committee, in its wisdom, decided to give this man a preferential right in advance of general settlement to select 640 acres and to pay $10 an acre for it cash, the highest price to be paid for any land under the bill.

By no possibility can this item affect the rights of the Indians. They, under the item, secure the highest and best price.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. MONDELL. I will be very glad to do so.

Mr. SLAYDEN. Are these lands known to have mineral deposits?

Mr. MONDELL. These lands, like a great portion of Wyoming, have lignite coal deposits which are visible; the croppings appear in various places.

Mr. SLAYDEN. Is it understood and was it the intention that this man's selection would be of good coal lands, such as are to be found?

Mr. MONDELL. Probably, and he would pay the same price that anybody would pay. The only advantage he gains is to a preferential location.

Mr. SLAYDEN. One other question, if the gentleman will permit. These are grazing lands purely?

Mr. MONDELL. Of these lands about 400,000 acres may be irrigated. Some of the lands can be farmed without irrigation. There are also good grazing lands and coal lands, and possibly some containing mineral along the foothills.

Mr. SLAYDEN. What effort is being made to protect the rights of the Indians in the irrigated land? Has that been attended to and will they be protected and get full value for their irrigable lands?

Mr. MONDELL. I will say to the gentleman there are no irrigated lands to be opened. The lands to be opened are all raw, unsettled lands. The Indians live on a portion of the reservation not affected by this bill, and this bill provides, strange as it may seem, that the constitution and the laws of Wyoming shall not operate to give anybody a water right that will interfere with the water rights of the Indians, so they are absolutely protected. The price we propose to pay is the price asked by the Indians.

Mr. ZENOR. Mr. Speaker——

The SPEAKER. Does the gentleman from Wyoming yield?

Mr. MONDELL. Certainly.

Mr. ZENOR. I want to ask my colleague this. He speaks of this particular provision of the bill which reserves the right absolutely of the lessee without a lease upon this reservation to 640 acres of land to be selected and which he is to obtain by fee simple title. I want to ask the gentleman whether or not the lease under which this lessee has been operating does not provide that he shall be confined exclusivly to coal?

Mr. MONDELL. Mr. Speaker, I prefer not to discuss that question in my time. I think there is a question, as I stated, whether this man has any rights at all and the gentleman will know I have not been urging his rights, but it affects only 640 acres of a million and a quarter acres. The Indians get all they would get under any circumstances. It is simply a question whether this man ought to be allowed to buy 640 acres at the highest price or allow some one else to buy it. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Wyoming reserves the balance of his time.

Mr. FITZGERALD. Mr. Speaker, a bill to open this reservation passed at the last session of Congress both the House and the Senate; in the closing hours of the session the passage of the bill was deferred. Since that time an agreement has been made with the Indians on this reservation for its opening, and this bill largely follows that agreement. There is a provision in the bill, however, which gives one Boysen a preferential right to purchase 640 acres of land at $10 an acre. I wish to say, at the outset, Mr. Speaker, that there is no other man in the world who could go to that reservation, and for any price whatever, obtain a patent to 640 acres after the reservation is opened. This man Boysen obtained a lease from the Indians, approved by the Interior Department, for the purpose of mining coal. The nearest railroad station was 150 miles from the reservation. He desired to obtain a lease to mine coal "and other minerals," but the Department would not consent that he should have the right to mine "the other minerals." He was required to file certain plats and maps by which the land covered by the lease could be identified. He never filed a map or plat in accordance with the terms of the lease or one which was approved by the Department. The lease was made in 1899 and had a period of ten years to run. For two years the right was given to prospect over this reservation. On January 22, 1901, Boysen's attention was called to the fact that he had never filed the maps required by the lease. In response to that notification he came to the Department and asked that part of the land over which his lease ran be surrendered and that he be permitted "to mine other minerals" upon the balance of the land. This application was denied by the Department.

Again, on June 9, 1902, his attention was called to the fact that "his lease had, by its express provisions, become inoperative and of no effect," and again he asked the Department to modify his lease so that he could "mine other minerals" instead of coal, and again the Department refused to grant his request. Boysen has done practically nothing on this reservation. He has hardly spent a penny; he has never opened a mine; he has never paid a dollar in royalty; he has never done anything except to spend money for attorneys for the purpose of attempting to have his coal lease changed to a mineral lease. The provision of this bill to which there is objection gives him a preferential right to purchase 640 acres of land, not coal land, but mineral lands, on this reservation. He has knowledge which no other man possesses about the reservation.

Mr. VAN DUZER. I would like to ask the gentleman from New York [Mr. FITZGERALD] a question.

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Nevada [Mr. VAN DUZER]?

Mr. FITZGERALD. Yes.

Mr. VAN DUZER. Is this the only objection which the gentleman from New York [Mr. FITZGERALD] has to the bill?

Mr. FITZGERALD. This is one of the objections.

Mr. VAN DUZER. Is that the principal objection?

Mr. FITZGERALD. Yes; this is the principal objection.

Mr. VAN DUZER. Because one man wants to take advantage of 640 acres?

Mr. FITZGERALD. Yes, sir.

Mr. VAN DUZER. Would the gentleman from New York [Mr. FITZGERALD] believe in retarding the development of a million acres, more or less, for the purpose of getting even with one man?

Mr. FITZGERALD. It is not a question of "getting even." It is a question of justice. Railroads have been projected into this reservation. It is so surrounded by water and high and rocky watersheds that, in my opinion, there are but one or two places by which a road can get into this reservation, so that this right to purchase absolutely 640 acres of land enables this man to

locate just where these railroads must enter. It is claimed, Mr. Speaker, that because he has expended some $25,000, not on the reservation, but mostly in Washington and some other places, for attorneys' fees, he is entitled to some rights above every other citizen in the United States.

The majority report on this bill says that there is some cloud, or that there may be some cloud, on the title to this reservation because of this lease.

The lease itself provides that when the Indian title to this reservation is extinguished with the consent of the Indians all rights cease under this lease. By the passage of this bill the Indian title will be extinguished with the consent of the Indian. This man has no rights, either equitable, moral, or legal, that justifies giving him preference over all of the other citizens of the United States.

I will read a brief letter which I have received from the Secretary of the Interior, which makes it clear that the purpose of this man from the outset has been to obtain a right to go upon this reservation and locate, in preference to all others, what we know to be the valuable minerals on that reservation. The information of the committee is that there is gold, copper, oil, asphalt, and gas in paying quantities upon this reservation, and this man desires to obtain a preference to purchase and secure an absolute title to a tract of land a mile square. He has been prospecting in there for two years. The Secretary of the Interior, in a letter addressed to me, said:

DEPARTMENT OF THE INTERIOR,
Washington, January 26, 1905.

Hon. JOHN J. FITZGERALD,
House of Representatives.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, in which you ask for an expression from me concerning the provision relative to what is called the Boysen coal lease, contained in the bill for opening Shoshone Reservation.

In reply I transmit herewith copies of correspondence which shows the status of the lease and expresses the views of the Department.

This lease was executed after unavailing efforts on the part of Mr. Boysen to secure a lease covering all minerals and after verbal assurances of his purpose to secure the construction of a railroad to the leased lands should he discover coal in ample quantity suitable for commercial purposes. Without such means of transportation the lease for coal would be profitless, since markets would be inaccessible. The road has not been built, and I am not advised that Mr. Boysen ever made any attempt in that direction. He continued, however, to appeal to the Department from time to time for a change or modification of his coal lease that would authorize him to prospect for all minerals and mine the same.

While Mr. Boysen's persistency from the first to obtain a lease covering all minerals and his seeming indifference to his obligations under his coal lease are somewhat suggestive, I shall not impute to him the bad faith of having taken his coal lease solely as a shelter to prospect for other minerals, in the hope of making valuable discoveries and thereby secure the advantage that would enable him to acquire title to the land when it should become subject to the mineral laws of the United States. It is sufficient to say that, in view of all the relative facts in this case, the Department is of the opinion that the Boysen coal lease has no legal existence and that Mr. Boysen is without any equity whatever that merits legislative consideration.

It is needless for me to add that I am opposed to the amendment referred to in your letter.

Respectfully, E. A. HITCHCOCK, *Secretary.*

These reasons, Mr. Speaker, compel me to oppose having ingrafted on this bill and passed in such shape a concession to anybody, simply because if this be not done this reservation can not be opened. In opening up this Indian reservation Boysen would obtain under this bill a preference to which he has no right, equitable or legal. It is a right of great value.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has consumed ten minutes and has ten minutes remaining.

Mr. FITZGERALD. I yield six minutes to the gentleman from Michigan.

Mr. McMORRAN. Mr. Speaker, I had hoped that the gentleman from Wyoming [Mr. MONDELL] would not press this motion to pass the bill under suspension of the rules at this time. My colleague [Mr. SAMUEL W. SMITH] is lying very sick, and I objected in his behalf, desiring to have this matter postponed until he could be heard on the merits or demerits of the bill. I consider the bill to be altogether of too great importance to be railroaded through this House at this time.

Now, I will assume that the report of the Committee on Indian Affairs is based upon a report made by one James McLaughlin. On page 17 of the report I find this statement of Mr. McLaughlin:

> The Indians claim that there is considerable timber within the cession in the Owl Creek Mountains. Also that the cession contains gold, silver, copper, coal, and oil, but from what I saw and learned during my two visits to the reservation, I regard the timber in the Owl Creek Mountains very sparse and inferior in quality, in fact of little value.

Now, I desire to call attention, gentlemen, to a map of this reservation. On the west of the reservation, here, is a large timber reservation; I also desire to call attention to the field notes made of town 8 of the proposed reservation, made by the surveyor, and now filed in the Department of Interior. I will read you from the first section, showing the timber. He says: "Descending through heavy timber." From the corner of sections 1, 2, 35, and 36, of south boundary of said township——

Mr. MONDELL. Will the gentleman allow me to ask him a question? Are you reading about these lands?

Mr. McMORRAN (continuing). Page 9 of said report, "timber, pine and spruce;" page 11, "timber, pine;" page 25, "timber, cottonwood;" page 27, "timber, pine and cottonwood;" page 29, "timber, pine and aspen;" page 31, "timber, pine;" page 33, "timber, pine;" page 35, "timber, pine;" page 39, "timber, pine;" page 43, "heavy timber;" also in sections 27, 28, 33, and 34, "timber, pine and spruce;" page 47, "timber, pine and spruce;" page 53, "timber, pine;" page 59, "leave heavy timber and continue through scattering timber;" also, "timber, pine and spruce;" page 71, "timber, pine and spruce;" page 75, "timber, pine;" page 77, "timber, pine;" page 85, "timber, pine and spruce." The township immediately south, which has not been surveyed, contains just as heavy timber. The timber in the first section runs a foot and a half through to three and a half feet through at the stump. It runs 100 feet in height and 60 feet to the first limb.

Now, is it in the interest of these Indians to do this, to throw these lands open to a syndicate of capitalists to be sold for $1.25 or $1.50 an acre? That is not in the interest of these Indians, and it is stated here, and it is held that it makes no difference to the Indians, as when they get the money they will fool it away. But we are the trustees of these Indians, and it is our duty to see that they get justice.

Another section of this report that I desire to call the attention of the House to is the fact that citizens, before the agreement was made, were on the lands telling the Indians that if they did not make this negotiation the United States would take the lands away from them anyway. There must have been a purpose; there must have been somebody behind it. Now, Mr. Speaker, it seems to me that this House can not afford to treat the Indians in this way. If gentlemen will take this map and investigate it they will find that there are other things on this land. It is heavily covered with oil. And I heard the gentleman from Wyoming [Mr. MONDELL], in this House last year, take exception to Mr. FITZGERALD'S statement that there was oil there; that he had lived there many years, and that he knew what he was talking about. The report of the Wyoming secretary of state calls attention to the fact that there are thirteen oil wells pumping 200 barrels a day on the edge of this very reservation, and that the same oil rock crops out on the said reservation. Now, it is proposed that the interests of the Indians in this matter shall all be sacrificed. I hope that my colleagues here will refuse to sustain the motion to suspend the rules and pass the bill and rob the poor Indians in this way.

I had hoped that this controversy might be avoided, because I am not familiar with all the details, and my colleague [Mr. SAMUEL W. SMITH] is. If they could have been explained away to his satisfaction, possibly there might have been no further controversy or difference of opinion about this bill.

Mr. MONDELL. Mr. Speaker, I do not know that the records of the Land Office which the gentleman has read should particularly interest the House, because they do not refer to any of the lands with regard to which we are legislating. They refer to lands in the mountains at a considerable distance to the north. I know this reservation. I have been over it. There is not a single acre of merchantable timber upon it, and the inspector who made the treaty with the Indians says that in his report.

Mr. McMORRAN. He did not go within 8 miles of it, and you can prove it by his report. I have the route that he traveled over here on the map of the proposed cession of Indian lands, and he could not see the timber from the route traveled by him.

Mr. MONDELL. The gentleman says that the land is flowing with oil and all that sort of thing, and that a report of the State of Wyoming says so. There has never been such a report written, and I challenge the gentleman to show one. Even if there were large quantities of mineral on the reserve, which there are not, but if there were so much better for the Indians, for in that event they would obtain the mineral price for such lands as provided in the bill.

Mr. McMORRAN. The gentleman said there was no oil there, and told the gentleman from New York [Mr. FITZGERALD] so.

Mr. MONDELL. I say it now.

Mr. McMORRAN. There is oil there, and your report of the

State of Wyoming shows thirteen wells pumping 200 barrels a day on the edge of this reservation.

Mr. MONDELL. Ah, gentlemen, there you are—thirteen wells 45 miles south of the land you propose to open. They have been there for thirteen years, and the men who own them have never sold a gallon of the oil because there is no market for it and will not be until realroads are extended.

Mr. McMORRAN. Because they have not the facilities for taking it out, but there is a railroad now projected to be built to take it out.

Mr. MONDELL. Mr. Speaker, it is true if this bill passes there will be railroad extensions in that part of Wyoming, and a country now 160 to 175 miles from a railroad will be developed. The opening of this reservation will not only lead to the building of many homes on the land opened to settlement, but will make possible the development of a large territory adjacent to it. I now yield three minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, there is only one question involved in the opposition to this bill. A man by the name of Boysen, who had the good fortune to be an Iowa man, had a lease of about 178,000 acres of this land. They proposed to open the land without making any provision to take care of his lease. He appeared before the committee and proposed that he would surrender his lease, upon which he had spent twenty-five or thirty thousand dollars, if they would put a provision in the bill that he be permitted to have the prior right to enter one section of contiguous land, paying therefor $10 an acre. Now, if the land was mineral-lode land, it would only bring $5 an acre; if it was placer land, it would bring two and a half dollars an acre; if it was coal land, it would bring $10 an acre. So he agreed to surrender his lease of 178,000 acres, or all claims under it, if he could have the preferential right to take one section of land and pay for it the highest market price that the Indians could obtain from anyone else under any circumstances. In view of the fact that his lease, to say the very least of it, was a cloud upon the title, and that he was willing to pay double the highest price that the Indians could get for mineral lands, nobody would have any cause of complaint, unless it should be outsiders who wanted the same land, and there are a million acres of land for the outsiders.

Mr. ZENOR. Will the gentleman yield?

Mr. LACEY. I have only three minutes.

The request made by Mr. Boysen did not seem to be unreasonable under the circumstances, and therefore the majority of the committee favored the bill giving him this preferential right.

There were some other men who had made application for leases that were never approved. They never had leases, but they came and asked the same privilege, and the committee turned that proposition down.

I do not know how far that has been influential upon gentlemen here objecting to the bill; but the parties who have no leases, it seemed to us, have no rights. The man who had a large lease, who was willing to take a modest allowance of a section, had rights which it seemed to the committee ought to be protected. We did that in the Uintah Reservation under similar circumstances. We gave to parties who had prior rights the preference to take a section of land and pay for it. Anybody else who takes this land will have to pay for it, and will only have to pay either $2.50 or $5 or $10 per acre, but Boysen must pay the full $10, so that it is to the interest of the Indians if they can dispose of one section of the land at the highest possible price under the treaty and clear their title of this cloud. It is in the interest of the Indians to have it done, and the land must be taken either by Boysen or by somebody else. Boysen claims to have spent $26,000 in the matter of this lease. He sent the geological surveyors there to examine the land, and his proposition seemed like a very reasonable one. The majority of the committee therefore voted to give him this preferential right. He must take the land in a solid body. He can not pick it out here and there, so that he must, in any event, take the same kind of land that some other citizen of Wyoming or Iowa or Missouri or somewhere else would take; but he must pay for it the highest price that is provided for mineral lands under the general law or under the treaty.

I yield back the remainder of my time.

Mr. FITZGERALD. Mr. Speaker, how much time is remaining?

The SPEAKER. The gentleman from New York has four minutes.

Mr. FITZGERALD. How much time has the gentleman from Wyoming?

The SPEAKER. The gentleman from Wyoming has six minutes.

Mr. FITZGERALD. Mr. Speaker, I wish to say briefly that so far as the minority of the Committee on Indian Affairs is concerned no denial of the application of other persons to secure preferential rights is responsible for their action. I resent any such imputation. I opposed this bill in the last session at the request of the Department of the Interior, when it was trying to get information from this reservation, and when the gentleman from Iowa [Mr. LACEY] was doing his best to jam it through the House in the closing hours of the session. I will read one provision of the lease in reply to the gentleman from Iowa [Mr. LACEY]. Section 13 says that "in the event of the extinguishment, with the consent of the Indians, of the title to the lands covered by this lease, thereupon the lase and all rights thereunder shall terminate."

The Secretary of the Interior says that the lease is canceled, and it has been for two years. This provision of it provides that in case this bill passes all rights under the lease shall cease. The gentleman who has the lease is fortunate in that he is from Iowa, because under no other conditions or circumstances could he obtain the support of the distinguished gentleman from Iowa [Mr. LACEY] to such a provision as this. [Laughter and applause.]

I wish to say, Mr. Speaker, that this is the most outrageous effort I have known to place on any so-called "Indian bill" a preferential right to one who has no right whatever. It is said in exculpation that the lessee has expended $25,000 on the prosecution of this lease. All the information I have is that the greater part of it, over $20,000, has been spent right here in Washington for attorneys in an effort to get these preferential rights to mine minerals. If this House is prepared, under the guise of opening to settlement this reservation, to put its stamp of approval upon any such scheme as that, why, it can do so; but it will only do so with full knowledge of the facts.

I assert now as I asserted in the last session that this reservation is rich in minerals—copper, oil, gas, and asphalt. It may be that the oil is oil with an asphaltic base and different in quality from that found to the south of the reservation, as there is evidence of considerable deposit of asphalt which apparently is the resultant of the evaporation of flowing oil. Boysen, however, has prospected through there for two years. He knows what is on the reservation. He never did a single thing required by his lease. He never paid a dollar to, and he has never done anything for the benefit of, the Indians. He has done nothing but strive here in Washington to secure a preference to mine minerals other than coal. Under the very provisions of the lease itself, even if he has rights now, they terminate with the passage of this bill.

Mr. SMITH of Iowa. Will the gentleman from New York allow me a question?

Mr. FITZGERALD. Yes.

Mr. SMITH of Iowa. What would the Indians get for these lands if this was taken out?

Mr. FITZGERALD. The gentleman is proceeding on the assumption that only the interests of Indians are to be looked after in this bill; that is because his constituent in this instance gets the advantage. I am not speaking alone for the Indians, I am speaking for the right of every man who desires to enter that reservation. All should have an equal right, an equal chance, or to borrow the language now so popular, all should have "a square deal."

Mr. SMITH of Iowa. Does the gentleman decline to answer the question?

Mr. FITZGERALD. I do not know. I do not know whether it would be beneficial to the Indians or not. No other man in the United States can get a privilege to go on that reservation and take 640 acres of land, and I do not think that this man should have that preferential right.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. FITZGERALD. Very well.

Mr. LACEY. If this lease is valid now——

Mr. FITZGERALD. Oh, there is no question about that; it is not valid; it has been canceled.

Mr. LACEY. But suppose it was; it would cover 178,000 acres.

Mr. FITZGERALD. No; it would not, and the gentleman from Iowa knows that.

Mr. LACEY. How many would it cover?

Mr. FITZGERALD. Just so much as he had filed maps showing the location of discoveries of commercial coal. He has not filed a single map, so that the lease is of no value; and even if he had filed proper maps, his rights would cease with the passage of this bill, so that he is caught both ways.

Mr. MONDELL. I now yield two minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEPHENS of Texas. Would it be in order to ask that this part of the bill, beginning on page 11, line 6, and ending at line 16, the provision relative to the Boysen lease, should be stricken from the bill? Can I ask unanimous consent for that?

The SPEAKER. It can only be done by unanimous consent.

Mr. STEPHENS of Texas. Then, as this seems to be the bone of contention, and I believe that the bill should pass and should not be held up on that account, I ask that this provision be stricken from the bill by unanimous consent.

Mr. SMITH of Iowa. Mr. Speaker, I object.

Mr. STEPHENS of Texas. Then, Mr. Speaker, having signed the minority report and believing that the reservation should be opened, I shall be forced to vote for the bill in the condition it is in, but I enter my most earnest and serious protest against giving this man Boysen this preference right. I do not think he should have it. I think he should stand on the same footing as every other American citizen, and I believe we are giving him a preference right that has been turned down by the Secretary of the Interior, and Congress should not give him that right.

Mr. MONDELL. Mr. Speaker, I yield two minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Speaker, this bill involves the opening to sale and settlement of a reservation embracing something like 1,000,000 acres. It involves the construction of one and possibly two lines of railroad. It is, therefore, a measure in which the great West in its development is largely interested. I am generally able to agree with my distinguished friend the gentleman from New York [Mr. FITZGERALD] in his efforts to protect the interests of the Indians and safeguard the interests of the public, but it seems to me that in this case he is magnifying a small objection unduly. He makes his opposition in this case to this important public measure, which is of large interest to the West, upon an amendment which has been put into the bill for the purpose of eliminating a dispute between a large lessee and the Interior Department.

I am sure that no rights which this claimant gets in this case impair the interests of the Indians. That is practically admitted. The Indians get full price for their land. The objectionable amendment simply gives to this individual, by way of closing out his lease claim, a preferential right over others who may go into that country in search of land. Instead of taking his chances with others he is allowed to take his pick first. He must pay full price in cash. The gentleman has stated that this land is rich in its resources. That is all the more reason for opening it to settlement and for passing this bill, which has already been substantially approved by both branches of Congress. It is all the more reason for allowing the great West to open this reservation to settlement and for permitting the construction of those two railroads. I, for one, as a western Representative, deplore an opposition based on what seems to me to be a comparatively minor consideration, involving only 640 acres out of a million, and only a question involving who shall be allowed to make the first selection. I hope the bill will pass.

Mr. MONDELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. Two minutes.

Mr. MONDELL. Mr. Speaker, I yield one minute to the gentleman from North Dakota [Mr. MARSHALL].

Mr. MARSHALL. Mr. Speaker, the gentleman from Wyoming [Mr. MONDELL] has well said that this bill has had more careful consideration than any bill of this character that has been before the Indian Committee, and there is but one possible objection to it, and that is the objection to giving this preferential right to 640 acres to Mr. Boysen. I was chairman of the subcommittee that considered that question, and we considered it long and carefully and conscientiously, and ultimately decided that, as a matter of equity, Mr. Boysen was entitled to this preferential right. The gentleman from New York [Mr. FITZGERALD] says that Mr. Boysen's lease was canceled when the title to these lands passed from the Indians. True, there was a clause to the effect that when these lands were restored to the public domain this lease was canceled. The difficulty is, however, that these lands are not restored to the public domain, but are simply transferred to the Government of the United States as trustee for these Indians, and the clause which the gentleman speaks of does not apply, and I think he knows it, as it was discussed in committee. [Applause.]

Mr. MONDELL. Mr. Speaker, this is a very plain proposition upon which the House has already passed favorably by a practically unanimous vote in a former session. It opens a large reservation in my State. The Indians have been endeavoring to sell these lands to the Government for five years. They have by solemn treaty asked to sell the lands for the price and under the conditions contained in this bill. The Secretary of the Interior and the Indian Department sends it here for ratification, and the only serious question dividing the House is as to whether, without harming the Indians, without any loss to them, we shall give a preferential right to locate one small tract out of a million acres and a quarter. It seems to me that there should be no question with regard to the passage of this bill. Its passage means the development of my State, the building of railroads. Its defeat means that a large portion of my State shall for years remain undeveloped. The Indians need the money the bill will bring them to develop their farms, to build their irrigating ditches. The opening of these lands will give many homeseekers an opportunity to build homes in that beautiful mountain country. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and upon a division, demanded by Mr. FITZGERALD, there were—ayes 181, noes 74.

Mr. FITZGERALD. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. MONDELL. Mr. Speaker, to save time I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 96, answered "present" 9, not voting 112, as follows:

YEAS—167.

Acheson	Davis, Minn.	Hunter	Pinckney
Adams, Wis.	Denny	Jackson, Md.	Porter
Adamson	Dovener	Jackson, Ohio	Powers, Me.
Allen	Draper	Jenkins	Prince
Bankhead	Driscoll	Jones, Wash.	Ransdell, La.
Bartholdt	Dwight	Kennedy	Reeder
Bartlett	Esch	Kinkaid	Roberts
Bates	Evans	Knapp	Rodenberg
Bede	Field	Kyle	Russell
Benny	Flood	Lacey	Scott
Birdsall	Foss	Lamar, Mo.	Sibley
Bonynge	Foster, Vt.	Lamb	Smith, Ill.
Bowersock	French	Landis, Frederick	Smith, Iowa
Brandegee	Gaines, W. Va.	Lawrence	Smith, Pa.
Brooks	Garber	Legare	Smith, Tex.
Brown, Pa.	Gardner, Mass.	Lilley	Snapp
Brown, Wis.	Garner	Lindsay	Southard
Brownlow	Gibson	Littauer	Southwick
Brundidge	Gillespie	Littlefield	Steenerson
Buckman	Gillet, N. Y.	Lorimer	Stephens, Tex.
Burgess	Goebel	Lovering	Stevens, Minn.
Burke	Graff	McCleary, Minn.	Sulloway
Burkett	Gregg	McLachlan	Tawney
Burleigh	Hardwick	Mahon	Thomas, Iowa
Burleson	Haskins	Mann	Thomas, N. C.
Burton	Hay	Marshall	Tirrell
Butler, Pa	Hedge	Martin	Van Duzer
Calderhead	Hemenway	Maynard	Volstead
Caldwell	Henry, Conn.	Miers, Ind.	Vreeland
Campbell	Henry, Tex.	Miller	Wachter
Capron	Hermann	Minor	Wanger
Cassel	Hildebrant	Mondell	Warner
Conner	Hill, Conn.	Morgan	Warnock
Cooper, Pa.	Hinshaw	Mudd	Watson
Cousins	Hitchcock	Murdock	Webber
Cowherd	Hitt	Needham	Wiley, Ala.
Cromer	Hogg	Otjen	Wiley, N. J.
Currier	Holliday	Overstreet	Williamson
Curtis	Hopkins	Padgett	Wilson, Ill.
Cushman	Houston	Palmer	Wood
Dalzell	Hull	Payne	Woodyard
Daniels	Humphrey, Wash.	Perkins	

NAYS—96.

Aiken	Glass	Lloyd	Rucker
Baker	Goldfogle	Loud	Ryan
Benton	Granger	Lucking	Scarborough
Bishop	Greene	McAndrews	Scudder
Bowers	Gudger	McCreary, Pa.	Sheppard
Brantley	Harrison	McLain	Sherley
Breazeale	Heflin	McMorran	Shiras
Broussard	Howard	McNary	Shober
Candler	Hughes, N. J.	Macon	Sims
Clark	Humphreys, Miss.	Moon, Tenn.	Slayden
Clayton	Hunt	Patterson, N. C.	Smith, Ky.
Cochran, Mo.	James	Patterson, Pa.	Snook
Cooper, Tex.	Johnson	Pou	Southall
Croft	Jones, Va.	Rainey	Sparkman
Crowley	Kehoe	Randell, Tex.	Spight
Darragh	Keliher	Reid	Sullivan, Mass.
Davey, La.	Kline	Rhea	Trimble
Davis, Fla.	Kluttz	Richardson, Ala.	Wallace
De Armond	Lester	Richardson, Tenn.	Webb
Dickerman	Lever	Rider	Weisse
Dougherty	Lewis	Rixey	Williams, Ill.
Finley	Little	Robb	Williams, Miss.
Fitzgerald	Livernash	Robinson, Ark.	Wynn
Gaines, Tenn.	Livingston	Robinson, Ind.	Zenor

ANSWERED "PRESENT"—9.

Boutell	Hamilton	Meyer, La.	Shackleford
Brick	Hamlin	Ruppert	Van Voorhis
Gilbert			

NOT VOTING—112.

Adams, Pa.	Dunwell	Knopf	Shull
Alexander	Emerich	Knowland	Slemp
Ames	Fitzpatrick	Lafean	Small
Babcock	Flack	Lamar, Fla.	Smith, N. Y.
Badger	Fordney	Landis, Chas. B.	Smith, Samuel W.
Bassett	Foster, Ill.	Lind	Smith, Wm. Alden
Beall, Tex.	Fowler	Longworth	Spalding
Beidler	Fuller	Loudenslager	Sperry
Bell, Cal.	Gardner, Mich.	McCall	Stafford
Bingham	Gardner, N. J.	McCarthy	Stanley
Bowie	Gillett, Cal.	McDermott	Sterling
Bradley	Gillett, Mass.	Maddox	Sullivan, N. Y.
Burnett	Gooch	Marsh	Sulzer
Butler, Mo.	Goulden	Moon, Pa.	Swanson
Byrd	Griffith	Morrell	Talbott
Cassingham	Griggs	Nevin	Tate
Castor	Grosvenor	Norris	Taylor
Cockran, N. Y.	Haugen	Olmsted	Thayer
Connell	Hearst	Otis	Thomas, Ohio
Cooper, Wis.	Hepburn	Page	Townsend
Crumpacker	Hill, Miss.	Parker	Underwood
Davidson	Howell, N. J.	Patterson, Tenn.	Vandiver
Dayton	Howell, Utah	Pearre	Wade
Deemer	Huff	Pierce	Wadsworth
Dinsmore	Hughes, W. Va.	Powers, Mass.	Weems
Dixon	Ketcham	Pujo	Wilson, N. Y.
Douglas	Kitchin, Claude	Robertson, La.	Wright
Dresser	Kitchin, Wm. W.	Sherman	Young

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following pairs:

For this vote:

Mr. ADAMS of Pennsylvania with Mr. BADGER.

Mr. ALEXANDER with Mr. CLAUDE KITCHIN.

Mr. BABCOCK with Mr. HEARST.

Mr. BEIDLER with Mr. BASSETT.

Mr. BELL of California with Mr. HAMLIN.

Mr. BINGHAM with Mr. PIERCE.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BRADLEY with Mr. GOULDEN.

Mr. CRUMPACKER with Mr. BOWIE.

Mr. DAVIDSON with Mr. SHACKLEFORD.

Mr. DIXON with Mr. BURNETT.

Mr. DOUGLAS with Mr. BUTLER of Missouri.

Mr. FORDNEY with Mr. LAMAR of Florida.

Mr. FULLER with Mr. DINSMORE.

Mr. GARDNER of Michigan with Mr. SWANSON.

Mr. GILLETT of Massachusetts with Mr. WILLIAM W. KITCHIN.

Mr. GROSVENOR with Mr. LIND.

Mr. HAMILTON with Mr. MADDOX.

Mr. HAUGEN with Mr. PUJO.

Mr. HEPBURN with Mr. MCDERMOTT.

Mr. HOWELL of New Jersey with Mr. PATTERSON of Tennessee.

Mr. LAFEAN with Mr. SMALL.

Mr. LOUDENSLAGER with Mr. UNDERWOOD.

Mr. LONGWORTH with Mr. STANLEY.

Mr. MOON of Pennsylvania with Mr. VANDIVER.

Mr. NEVIN with Mr. WILSON of New York.

Mr. OTIS with Mr. COCKRAN of New York.

Mr. TOWNSEND with Mr. HILL of Mississippi.

Mr. SAMUEL W. SMITH with Mr. SULZER.

Mr. SPERRY with Mr. WADE.

Mr. WADSWORTH with Mr. TALBOTT.

For this day:

Mr. FOWLER with Mr. GOOCH.

Mr. HUGHES of West Virginia with Mr. PAGE.

Mr. KNOWLAND with Mr. FITZPATRICK.

Mr. MARSH with Mr. BEALL of Texas.

Mr. OLMSTED with Mr. FOSTER of Illinois.

Until the 11th instant:

Mr. KETCHAM with Mr. GILBERT.

Until further notice:

Mr. CASTOR with Mr. ROBERTSON of Louisiana.

Mr. KNOPF with Mr. EMERICH.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. MCCALL with Mr. THAYER.

Mr. SMITH of New York with Mr. TAYLOR.

Mr. WM. ALDEN SMITH with Mr. GRIFFITH.

Mr. STERLING with Mr. BYRD.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. WRIGHT with Mr. SHULL.

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. CHARLES B. LANDIS with Mr. TATE.

Mr. SHERMAN with Mr. RUPPERT.

Mr. SLEMP. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and giving attention when his name was called?

Mr. SLEMP. I was not here; I was in the lunch room.

The SPEAKER. The gentleman does not come within the rule.

The result of the vote was announced as above recorded.

COTTON STATISTICS.

The SPEAKER laid before the House joint resolution (H. J. Res. 185) authorizing and directing the Director of the Census to collect and publish additional statistics relating to cotton, with Senate amendments.

The Senate amendments were read.

Mr. CRUMPACKER. Mr. Speaker, I move that the House do concur in the Senate amendments.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] moves that the House do concur in the Senate amendments.

The amendments were concurred in.

On motion of Mr. CRUMPACKER, a motion to reconsider the last vote was laid on the table.

PANAMA CANAL.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 16986) to provide for the government of the Canal Zone and the construction of the Panama Canal, and other purposes, may be made the continuing order of the House, subject to be called up at any time when it will not interfere with appropriation or revenue bills or other privileged matters.

Mr. ADAMSON. Mr. Speaker, I had some question as to certain provisions in this bill, but I did not deem it necessary to file a minority report, understanding from my friend [Mr. MANN], who made the majority report, that ample opportunity would be secured for discussion, and his proposition suits me very well.

Mr. SIMS. Is it the intention to have this bill come in here now and crowd everything else out until the end of the session?

Mr. MANN. Mr. Speaker, I will say that I think there will be no objection whatever to the passage of the bill; and it is absolutely necessary that some legislation upon this subject be enacted at this session of Congress, else the Canal Zone will be without government. It will be my purpose, so far as it is within my power, to get the bill disposed of at the earliest possible date.

Mr. SIMS. The gentleman from Illinois [Mr. MANN] desires to push it through, then?

Mr. WILLIAMS of Mississippi. I will ask the gentleman from Illinois [Mr. MANN] if the proposition cuts off any right of amendment?

Mr. MANN. Oh, no.

Mr. WILLIAMS of Mississippi. I see a statement there as to condemning the shares of stock, instead of the property itself; that is, the railroad and its rolling stock and other real and personal property belonging to the railroad. Does the gentleman from Illinois [Mr. MANN] know of any precedent for condemning shares of stock? Does he not think it would be better to condemn the property itself?

Mr. MANN. Mr. Speaker, I believe that when the bill comes up for discussion that I will be able to satisfy the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. I hope the gentleman will.

Mr. MANN. I think we are all agreed upon arriving at the same result. As to the form in which it shall be done that will be a matter for consideration at the time. It is not free from doubt.

Mr. WILLIAMS of Mississippi. I desire to say now that in my opinion it would be infinitely better to go directly at the property. I do not know exactly how you would condemn a share, for example. These shares are owned by foreigners as well as by Americans, and so it seems to me it would be infinitely better to go after the property. I shall not object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the bill (H. R. 16986) covering the government of the Panama Canal Zone may be considered at any time in the House as in the Committee of the Whole, and may be the continuing order, not to interfere with revenue or appropriation bills or other privileged matters. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent for the present consideration of the resolution which the Clerk will read.

Mr. STEPHENS of Texas. Mr. Speaker, it is a resolution providing for the printing of a document which is necessary.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution No. 447.

Resolved, That the Secretary of the Interior is hereby directed to transmit to this House (for its use in pending legislation) a copy of a report made by Arthur D. Kidder to him during the last year, in regard to the boundary lines of New Mexico, Oklahoma, and Texas, together with the maps of said lines accompanying said report, and that 2,000 copies of said report be printed for the use of the Judiciary Committee and of this House.

Mr. LITTLEFIELD. Reserving the right to object, I would like to inquire if this has been reported from the Committee on the Judiciary?

Mr. STEPHENS of Texas. It was taken from the Judiciary Committee and referred to the Committee on Printing; but owing to the late day of the session, I do not think we will be able to get a report from that committee.

Mr. LITTLEFIELD. So that you have got no favorable report from any committee?

Mr. STEPHENS of Texas. No.

Mr. LITTLEFIELD. I think I will have to object, then.

Mr. STEPHENS of Texas. It has been taken from your committee and referred to the Committee on Printing.

Mr. LITTLEFIELD. When was it taken from the Committee on the Judiciary? I have never heard of it. I shall have to object.

The SPEAKER. The gentleman from Maine objects.

BANKRUPTCY BILL.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that the minority of the Committee on the Judiciary may have leave to file their views in connection with the report made to-day by the committee on the bill repealing the bankruptcy law. I ask that leave be given us until Friday next.

Mr. STEPHENS of Texas. I object.

Mr. CLAYTON. I hope the gentleman from Texas will not object.

Mr. LITTLEFIELD. I am very glad to have him object. [Laughter.]

Mr. CLAYTON. I would state, Mr. Speaker, that I hope the gentleman from Texas will withdraw his objection. It was the understanding among the members of the Committee on the Judiciary that a reasonable time should be allowed to the minority in which to file their views.

Mr. LITTLEFIELD. I would like him to stand before the House with that objection.

Mr. CLAYTON (to Mr. STEPHENS of Texas). Withdraw your objection.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. I objected, Mr. Speaker.

The SPEAKER. The gentleman from Texas objects.

RIGHT OF WAY FOR TRAILWAY ACROSS THE GRAND CANYON OF ARIZONA.

Mr. WILSON of Arizona. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10411) granting right of way for trailway to W. W. Bass, of Coconino County, Ariz., for travel across the Grand Canyon of Arizona, and ferry privileges, etc., across the Colorado River therein.

The bill was read at length.

The amendments recommended by the committee were read.

Mr. PAYNE. It is evident, Mr. Speaker, that this bill is too important and the amendments too intricate to get a proper understanding of them in the brief time for its consideration. I therefore object.

The SPEAKER. The gentleman objects.

RAILROAD-RATE BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 484, have had the same under consideration and respectfully report the following in lieu thereof:

Resolved, That immediately on the adoption of this order and daily hereafter, immediately on the approval of the Journal, so long as the bill hereinafter referred to shall be pending in Committee of the Whole House on the state of the Union, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18588) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887:

That after the said bill shall have been read, the Clerk shall read also the amendment in the nature of a substitute offered by the minority of the Committee on Interstate and Foreign Commerce, and printed on pages 13 and 14 of report No. 4093, which amendment shall thereupon be considered as pending;

That general debate shall continue on said bill and pending amendment until Thursday next at 3 p. m.: *Provided*, That on Wednesday next, at 12.55 p. m., the Committee of the Whole House on the state of the Union shall rise: *And provided further*, That so soon as the counting of the electoral vote shall have been completed, the Committee of the Whole House on the state of the Union shall immediately resume its sitting for further general debate on the said bill H. R. 18588;

That so soon as general debate on the said bill shall have been completed at 3 p. m. on Thursday next, the Committee of the Whole House on the state of the Union shall immediately rise and report the bill H. R. 18588, with the pending amendment in the nature of a substitute, to the House, whereupon immediately, without debate, intervening motion, or appeal, a vote shall be taken on the amendment in the nature of a substitute heretofore described, and on the bill to the final passage;

That general leave to print remarks on the bill H. R. 18588 and the substitute therefor is hereby granted for six legislative days after Thursday next;

That time of general debate, as herein provided, shall be equally divided, one half to be controlled by Mr. HEPBURN of Iowa, and the other half by Mr. DAVEY of Louisiana;

And that on Tuesday, Wednesday, and Thursday the House shall meet at 11 a. m.

Mr. DALZELL. I move the adoption of the report, and on that I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania moves the adoption of the report, and on that demands the previous question.

Mr. WILLIAMS of Mississippi. Does the gentleman mean to cut off debate on the adoption of the report?

Mr. DALZELL. Certainly not.

Mr. WILLIAMS of Mississippi. I hope the resolution will be voted down, Mr. Speaker.

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Speaker.

The House divided; and there were—ayes 162, noes 155.

Mr. WILLIAMS of Mississippi. We will have the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 140, answered "present" 5, not voting 68, as follows:

YEAS—171.

Acheson	Davis, Minn.	Jackson, Md.	Patterson, Pa.
Adams, Wis.	Deemer	Jenkins	Payne
Allen	Dovener	Jones, Wash.	Perkins
Ames	Draper	Kennedy	Porter
Babcock	Driscoll	Kinkaid	Powers, Me.
Bartholdt	Dwight	Knapp	Powers, Mass.
Bates	Esch	Kyle	Prince
Bede	Evans	Lacey	Reeder
Beidler	Fordney	Lafean	Roberts
Birdsall	Foss	Landis, Chas. B.	Rodenberg
Bishop	Foster, Vt.	Landis, Frederick	Scott
Bonynge	French	Lawrence	Shiras
Boutell	Gaines, Tenn.	Lilley	Sibley
Bowersock	Gaines, W. Va.	Littauer	Slemp
Bradley	Gardner, Mass.	Littlefield	Smith, Ill.
Brandegee	Gardner, Mich.	Longworth	Smith, Iowa
Brick	Gibson	Lorimer	Smith, Pa.
Brooks	Gillet, N. Y.	Loud	Snapp
Brown, Pa.	Gillett, Cal.	Loudenslager	Southard
Brown, Wis.	Gillett, Mass.	Lovering	Spalding
Brownlow	Goebel	McCarthy	Stafford
Buckman	Graff	McCleary, Minn.	Steenerson
Burke	Greene	McCreary, Pa.	Stevens, Minn.
Burkett	Grosvenor	McLachlan	Sulloway
Burleigh	Hamilton	McMorran	Tawney
Burton	Haskins	Mahon	Thomas, Iowa
Butler, Pa	Haugen	Mann	Thomas, Ohio
Calderhead	Hedge	Marshall	Tirrell
Campbell	Hemenway	Martin	Townsend
Capron	Henry, Conn.	Miller	Volstead
Cassel	Hepburn	Minor	Wachter
Conner	Hermann	Mondell	Wanger
Cooper, Pa.	Hildebrant	Morgan	Warner
Cooper, Wis.	Hill, Conn.	Morrell	Warnock
Cousins	Hinshaw	Mudd	Watson
Cromer	Hitt	Murdock	Webber
Crumpacker	Hogg	Needham	Wiley, N. J.
Currier	Holliday	Nevin	Williamson
Curtis	Howell, N. J.	Norris	Wilson, Ill.
Cushman	Howell, Utah	Otjen	Wood
Dalzell	Hull	Overstreet	Woodyard
Daniels	Humphrey, Wash.	Palmer	Young
Darragh	Hunter	Parker	

NAYS—140.

Adamson	Broussard	Croft	Flood
Aiken	Brundidge	Crowley	Garber
Baker	Burgess	Davey, La.	Garner
Bankhead	Burleson	Davis, Fla.	Gillespie
Bartlett	Byrd	De Armond	Glass
Bell, Cal.	Candler	Denny	Goldfogle
Benny	Clark	Dickerman	Goulden
Benton	Clayton	Dinsmore	Granger
Bowie	Cochran, Mo.	Dougherty	Gregg
Bowers	Cockran, N. Y.	Field	Griggs
Brantley	Cooper, Tex.	Finley	Gudger
Breazeale	Cowherd	Fitzgerald	Hamlin

Hardwick	Legare	Pou	Smith, Ky.
Harrison	Lester	Rainey	Smith, Tex.
Hay	Lever	Randell, Tex.	Snook
Heflin	Lewis	Reid	Southall
Henry, Tex.	Lind	Rhea	Southwick
Hill, Miss.	Lindsay	Richardson, Ala.	Sparkman
Hitchcock	Little	Richardson, Tenn.	Spight
Hopkins	Livernash	Rider	Stanley
Houston	Livingston	Rixey	Stephens, Tex.
Howard	Lloyd	Robb	Sullivan, Mass.
Hughes, N. J.	Lucking	Robinson, Ark.	Talbott
Humphreys, Miss.	McAndrews	Robinson, Ind.	Thomas, N. C.
Hunt	McLain	Rucker	Trimble
James	McNary	Russell	Underwood
Johnson	Macon	Ryan	Vreeland
Jones, Va.	Maddox	Scarborough	Wallace
Kehoe	Maynard	Scudder	Webb
Kelliher	Miers, Ind.	Shackleford	Weisse
Kline	Moon, Tenn.	Sheppard	Wiley, Ala.
Kluttz	Padgett	Sherley	Williams, Ill.
Lamar, Fla.	Patterson, N. C.	Shober	Williams, Miss.
Lamar, Mo.	Pierce	Sims	Wynn
Lamb	Pinckney	Slayden	Zenor

ANSWERED "PRESENT"—5.

Meyer, La.	Ruppert	Van Voorhis	Wright
Ransdell, La.			

NOT VOTING—68.

Adams, Pa.	Dunwell	Kitchin, Wm. W.	Smith, Samuel W.
Alexander	Emerich	Knopf	Smith, Wm. Alden
Badger	Fitzpatrick	Knowland	Smith, N. Y.
Bassett	Flack	McCall	Sperry
Beall, Tex.	Foster, Ill.	McDermott	Sterling
Bingham	Fowler	Marsh	Sullivan, N. Y.
Burnett	Fuller	Moon, Pa.	Sulzer
Butler, Mo.	Gardner, N. J.	Olmsted	Swanson
Caldwell	Gilbert	Otis	Tate
Cassingham	Gooch	Page	Taylor
Castor	Griffith	Patterson, Tenn.	Thayer
Connell	Hearst	Pearre	Vandiver
Davidson	Huff	Pujo	Van Duzer
Dayton	Hughes, W. Va.	Robertson, La.	Wade
Dixon	Jackson, Ohio	Sherman	Wadsworth
Douglas	Ketcham	Shull	Weems
Dresser	Kitchin, Claude	Small	Wilson, N. Y.

So the previous question was ordered.

Mr. VAN DUZER. Mr. Speaker, am I recorded?

The SPEAKER pro tempore (Mr. VREELAND). The gentleman is not recorded.

Mr. VAN DUZER. I desire to vote "no."

The SPEAKER pro tempore. Was the gentleman in the Hall and listening when his name should have been called?

Mr. VAN DUZER. I did not hear my name called; I just this moment came in.

The SPEAKER pro tempore. Then the gentleman was not in the Hall when his name was called?

Mr. VAN DUZER. I can not tell. I just came into the room.

The SPEAKER pro tempore. The Chair will have to decide that the gentleman does not come within the rule, which is that he must be in the House and listening when his name is called.

The Clerk announced the following additional pairs:

Until further notice:

Mr. JACKSON of Ohio with Mr. CALDWELL.

For balance of this day:

Mr. WEEMS with Mr. SULLIVAN of New York.

Mr. SAMUEL W. SMITH with Mr. SULZER.

Mr. MOON of Pennsylvania with Mr. VANDIVER.

Mr. ALEXANDER with Mr. CLAUDE KITCHIN.

Mr. DOUGLAS with Mr. BUTLER of Missouri.

Mr. SPERRY with Mr. PATTERSON of Tennessee.

Mr. OTIS with Mr. WILLIAM W. KITCHIN.

Mr. WADSWORTH with Mr. WILSON of New York.

Mr. FULLER with Mr. SWANSON.

Mr. PEARRE with Mr. SMALL.

Mr. STERLING with Mr. MCDERMOTT.

Mr. CONNELL with Mr. BASSETT.

Mr. BINGHAM with Mr. WADE.

On this vote:

Mr. DAVIDSON with Mr. RANSDELL of Louisiana.

Mr. HUFF with Mr. TATE.

Mr. DIXON with Mr. BURNETT.

Mr. ADAMS of Pennsylvania with Mr. BADGER.

Mr. DRESSER with Mr. HEARST.

Mr. GARDNER of New Jersey with Mr. PUJO.

Mr. DUNWELL with Mr. VAN DUZER.

Mr. BEALL of Texas. I am paired with the gentleman from Illinois [Mr. MARSH]. I did not hear the paid read.

The SPEAKER pro tempore. It was read after the former roll call.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The previous question is ordered. The gentleman from Pennsylvania [Mr. DALZELL] has twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] controls the time on the other side for twenty minutes.

Mr. DALZELL. Mr. Speaker, I will not now undertake to occupy twenty minutes, but will satisfy myself with an explanation of the rule.

If this rule shall be adopted, the result will be that the House will resolve itself itself into the Committee of the Whole House on the state of the Union for the consideration of the bill to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887, reported by the majority of the Committee on Interstate and Foreign Commerce, and for the consideration also of a bill in the nature of a substitute which was reported to the House by the minority of the Committee on Interstate and Foreign Commerce.

General debate in Committee of the Whole is to continue until 3 o'clock on Thursday of this week, except that on Wednesday, at 12.55 p. m., the committee will rise for the purpose of counting the electoral votes. On to-morrow and Wednesday and Thursday the House will meet at 11 o'clock in the morning. General leave to print is granted by the rule for six legislative days after the conclusion of the general debate. At 3 o'clock on Thursday the committee is to rise and report the bill and the substitute to the House, and upon both, upon the substitute first and the bill afterwards, a vote is to be taken at once. The time of general debate is equally divided between the two sides of the House, one half to be controlled by the gentleman from Iowa [Mr. HEPBURN] and the other half by the gentleman from Louisiana [Mr. DAVEY].

I shall not now undertake to say anything about the merits of the proposition, but will yield the floor to the gentleman from Mississippi [Mr. WILLIAMS], reserving the balance of my time.

Mr. WILLIAMS of Mississippi. Mr. Speaker, merely saying that I take it for granted that every man in the House upon that side of the Chamber knew when he voted for the previous question that the only way in which this rule could be amended was by voting down the previous question, and that, therefore, his vote meant that he wanted no opportunity to amend the rule, nor to permit himself nor anybody else by that amendment to amend the bill offered by the majority, I shall now yield nine minutes to the gentleman from Missouri [Mr. DE ARMOND]. [Applause.]

Mr. DE ARMOND. Mr. Speaker, the general question which this rule brings before the House is a very important one in the estimation, I presume, of every Member of this House, and of the people of the whole country. The treatment of that most important question which this rule provides for is wholly inadequate, narrow, and partisan. The rule is not designed to enable this House to consider the great question on its merits, or to vote upon it according to the judgment of the individual Members upon either side of the House. The design, so far as the rule is concerned, is to deprive the Members upon this side and upon that side of the right of choice which equality here gives us; the constitutional equality which those who elected us, severally, to this body had reason to suppose, and ought to be justified in supposing, our election would insure to us when we came here as Members. The purpose of this rule is to prevent the offering of amendments, with a view of improving the measure which is to be considered. If the purpose were to secure good legislation, if it were to treat this nonpartisan subject in a broad, patriotic, American way, the rule certainly would not be cast or framed as it is. If the object were to arrive at the best conclusions possible, in the exercise of the best judgment of this House, we should have no such rule submitted to us. We would not have had the previous question moved and carried if the object had been to give to the individual Member the right which the individual Member has of right, the exercise of which he is to be denied, is denied, and will be denied if this rule be adopted.

We have upon the one side the individual judgment of gentlemen who are opposed to what has been done, who are opposed to what will be done, dragooned and coerced by the tremendous power of a partisan majority into stifling their own judgment and voting against their own convictions—a doing of that which their judgment and their conscience tell them ought not to be done. So far as that goes, I leave it with them and their party and their conscience. It is up to those who brought in the rule and who sincerely supported it because it does what they wish to have done, and those who insincerely, taking counsel of their fears rather than of their courage, support it, although it is to bring about that which they desire not to have done.

Upon this side of the House we are confined to the offering as a substitute that which the matured judgment of the minority does not desire to offer as a substitute. [Applause on the Democratic side.] If we are to have the opportunity to offer a

substitute, it ought to be a substitute which the matured, deliberate judgment of this side approves; which the matured deliberate judgment of this side would tender to the House and vote for. This is not denied with a view of perfecting the bill; it is not denied in broadness or fairness. It is denied in the proscriptive spirit; it is denied in narrowness, the narrowness of narrow partisanship.

If we are to vote upon a substitute, ought we not to be permitted to say what that substitute shall be? Why shall there be picked out for us a substitute offered and selected by the majority? It is true that the minority, or a portion of the minority, of the Committee on Interstate and Foreign Commerce recommended in their minority views the measure which we are tied to by the action of this majority, as far as they can tie us. It is also true that upon further reflection and upon further investigation of the subject the minority of that committee desire to offer an enlarged provision, an enlarged measure, a perfect measure, expressing more truly and really the judgment and the conviction and the wishes and the aim and purpose of the Members upon this side of the House.

Now, if we are to be permitted to offer anything, if the poor privilege of voting at all upon a substitute be accorded to us, why in fairness, why in decency, why with regard to anything or everything that goes toward good legislation, ought we not to be permitted to frame it ourselves, and offer it as we would have it? Gentlemen, perhaps, think that some partisan advantage can be taken through this rule and under this rule. We are fresh from a great national contest in which the party represented on the other side came out crowned with the laurels of victory. We are near the beginning of the term of the Members of another Congress in which that party will have an enlarged majority. Is it necessary that the great public interests—is it necessary or decent that the important concerns of the great body of the citizenship of this country—shall be frittered away, disregarded, subordinated, in the hope of making a little partisan capital? Does your party feel, after its victory, while in complete possession of all the machinery of the Government, that in order to make capital it may trifle with so great and important a subject?

This rule will be adopted, if we may place confidence in what one hears, by the votes of men who would be glad to amend this measure; by men who believe it is not the best measure that could be offered; men who believe that the bill may be strangled in the Senate; that it is to be sent over there for strangulation, or believe that if it passes there at all, it will come back here changed so that its best friends will not recognize it. [Laughter.]

Is this mighty party, in the heyday of its power, flushed with victory—is this party to treat in this way the recommendations of its own President? The bill that is to be submitted lacks a number of the essential elements of legislation recommended by that President, which we, not following him, but having adopted what we think is right, would put into the bill. And now, is the bill to be put through in this kind of a way? Is this rule to be adopted in this manner, with important recommendations of the President, elected by your party, disregarded, treated with contempt, and we denied—your own membership denied—the opportunity of bringing to the attention of this House for its judgment any of the material things recommended by the President whom you elected by an overwhelming majority?

Are you afraid of your own membership? We have not the power here arrayed against you to accomplish anything in this legislation. Are you afraid of your own friends? Are you afraid of your own party? Do you wish to deal with this question fairly? Are you honest in your legislation? Do you desire that there shall be put upon the statute book the best enactment of which the collected wisdom of this House is capable? You certainly do not or you would not have carried the vote for the previous question. You certainly do not or else you will not adopt this rule. [Applause on the Democratic side.]

Mr. DALZELL. I trust the gentleman from Mississippi will use some more of his time.

Mr. WILLIAMS of Mississippi. I trust the gentleman from Pennsylvania will use some of his time. It is rather unfair to have us use all of ours with nothing to reply to.

Mr. DALZELL. I have heard nothing on that side to reply to yet. [Laughter.] I yield to my colleague such time as he may desire.

Mr. GROSVENOR. Mr. Speaker, it is the purpose of the Republican majority of this House to pass legislation touching the subject-matter of the bill covered by this resolution, and it is the purpose of a majority of the House to do it under such fair and just rules or rule [laughter on the Democratic side] as may give to the opposite side full opportunity to express their opinion. [Laughter.] I hear a good deal of laughing around here. Let us see how intelligent this giggling is.

Not many days ago the Democrats of this House, if the public press has told the truth, held a caucus, and this rule provides that the bill agreed upon by that caucus may be voted upon as an amendment to this bill at the proper time. [Applause on the Republican side.] Now, perhaps the laughter is on the other side, and the few gentlemen on this side did not know what they were laughing about. So the combined and concentrated wisdom of the opposite side will have an expression upon the question prepared for them and by them when the question of substituting the Davey bill shall come up for action by the House. So the minority is protected.

How long has it been since the gentleman from Mississippi [Mr. WILLIAMS] became anxious about certain features of this bill? I refer to the special stress laid by him and those associated with him in regard to legislation against the unfair use of private cars and other matters of discrimination. He introduced into this House the bills H. R. 8678, H. R. 7640, H. R. 11434, and H. R. 17650. I fail to find in any of those bills the slightest reference to the subjects upon which he now seeks to force an issue by pushing them in the House in the form of a proposed amendment to the bill under consideration.

There were many other bills introduced in the House from time to time. I fail to find in any of them (although I am not quite sure that I am right)—I fail at this time to recognize any reference to this particular branch of legislation.

If I have not misread the records of this House that gentleman has introduced more than one bill upon the subject of this railroad control, and will he tell us in what part of what bill it was that he put any reference to private cars as a great evil that would result to the shippers in this country for that reason? I find the following bills introduced by him: H. R. 8678, H. R. 7640, H. R. 11434, H. R. 17650. Would it not have been quite well for him when he had the full opportunity of pen, ink, and paper to so express his views and to introduce into this House more than one bill to have put into one of his bills the proposition which he now claims has been shut out. But, Mr. Speaker, I need not elaborate. This bill in my judgment will pass the House of Representatives, and let me make another suggestion. Following the proposition that "history repeats itself," first, our Democratic friends will doubtless solidly vote to substitute their own bill, not that they believe that it is a better bill than ours, but it has a better brand on it, the brand of the Democratic majority, and failing to introduce that bill as a substitute for this one practically the whole Democratic side of the House including the distinguished gentleman from Missouri [Mr. DE ARMOND] will vote for this bill without the dotting of an "i" or the crossing of a "t." It will not be six months until that gentleman and the other gentlemen on that side will be out before the country asserting that it is their measure, that they "always come downstairs in that way." [Applause.] It is not new. I have said history will repeat itself. Now let me say to the gentleman from Missouri [Mr. DE ARMOND] that there is not a suggestion in the bill of a portion of the minority that he is complaining of because he may not have an opportunity to substitute it, there is not a proposition there that is not covered by one of two situations: Either first, in the law of the country to-day standing upon the statute books as amended by the recent legislation passed by both Houses of Congress, signed by a Republican President and executed with ability by a Republican Administration, or is included in the provisions of this bill. In other words let me make it perfectly plain. The gentleman says that the President of the United States——

Mr. COCHRAN of Missouri. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, I can not be interrupted now——

Mr. COCHRAN of Missouri. When the interstate commerce bill was passed, was a Republican President in the White House?

Mr. GROSVENOR. Why, certainly; it was passed by a Democratic House and I voted against it.

Mr. COCHRAN of Missouri. And was signed by a Democratic President.

Mr. GROSVENOR. That bill was, yes; but it was the bill of CULLOM——

Mr. GAINES of Tennessee. Oh, shucks! [Laughter and applause on the Democratic side.]

Mr. GROSVENOR. That was a remark made by the gentleman from Tennessee in keeping with the character of the position that he occupies.

Mr. GAINES of Tennessee. Now, Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, I do not propose to yield

the floor. The gentleman has insulted me in such a manner that——

Mr. GAINES of Tennessee. I would state to the gentleman I meant nothing offensive to the gentleman.

Mr. GROSVENOR. It was offensive.

The SPEAKER pro tempore. The gentleman from Ohio declines to yield.

Mr. GROSVENOR. I decline to yield. The gentleman who makes that sort of an attack upon me must not ask me to allow him an opportunity to reply.

Mr. GAINES of Tennessee. The gentleman ought not to make an ungentlemanly reply to me.

Mr. GROSVENOR. I stand by my reply.

Mr. GAINES of Tennessee. So do I stand by mine.

Mr. GROSVENOR. Let me go back to where I was interrupted by the gentleman from Missouri. The Cullom bill as introduced into the Senate of the United States was passed into law by a Republican Senate and a Democratic House, but I was not talking about the original bill. I was not talking about the interstate commerce law. I was talking about the amendments to the interstate commerce law which made it efficient and which was a part of the legislation of the Fifty-seventh Congress. I was discussing how much of this legislation would be left that has been requested by the President of the United States, and the gentleman from Missouri sought to make the point that the Republican side of this House has turned its back upon the request of the President. This is what I undertook to say and this is what I do say, that there is not left after this bill is passed a single suggestion of the President of the United States that is not included in this law and the Republican legislation of the Fifty-seventh Congress. That is what I say.

Mr. PADGETT. Will the gentleman from Ohio [Mr. GROSVENOR] yield for a question?

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Tennessee [Mr. PADGETT]?

Mr. GROSVENOR. Certainly.

Mr. PADGETT. Is there anything in this bill or in any existing law that reaches private terminals or private car lines?

Mr. GROSVENOR. It is believed by those who drafted this bill that it covers private cars, discrimination in freight charges, unfair distribution of freight charges, and every regulation and practice of a railroad company affecting the traffic of the country.

Mr. PADGETT. Will the gentleman from Ohio indicate what that provision is?

Mr. GROSVENOR. Oh, no; the gentleman from Tennessee [Mr. PADGETT] knows that I can not stop on the question of adoption of rules in order to enlighten him.

Mr. BARTLETT. May I ask the gentleman from Ohio [Mr. GROSVENOR] a question with reference to the bill?

Mr. GROSVENOR. Not as to the bill. I can not do that. My friend from Georgia [Mr. BARTLETT] knows that I would not treat him disrespectfully, but I can not stop now to discuss with him the question of what is in this bill.

Mr. BARTLETT. I am not going to discuss the bill. I merely wanted to call the attention of the gentleman from Ohio [Mr. GROSVENOR] to the section of the bill which I believe, under the rules, should not pass. I think the gentleman from Ohio [Mr. GROSVENOR] will agree with me about it.

Mr. GROSVENOR. It is possible I would. I desire to answer the gentleman from Missouri [Mr. COCHRAN], who wants to make the country understand that the Republican majority of this House has deviated somewhat from the request of the President in his message. I deny it. I desire to state that in Republican legislation that stands upon the statute books and in this bill is embodied all the suggestion of the President, and I believe he will be satisfied with it. So, Mr. Speaker, the proposition here is to pass this bill.

It may not be the best thing that could have been devised by the wisdom of men, but we are reaching rapidly the end of this Congress, and whatever is done must be done now. And the reason for haste, if this is haste, is to give an opportunity to the Senate and the President to make law out of what we may decide to pass here on next Thursday.

Mr. ROBINSON of Indiana. As the gentleman's party has taken partisan charge of the procedure, may I ask what hope his party has of passing the bill through the Senate?

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Indiana [Mr. ROBINSON]?

Mr. GROSVENOR. Certainly. I will say to the gentleman from Indiana [Mr. ROBINSON] I have not the slightest assurance in the world. Really it has not been customary lately to go over to the Senate and ask them what they will do.

Mr. ROBINSON of Indiana. As the gentleman's party has taken partisan charge of the procedure, I will say I supposed they were acting unitedly on that proposition.

Mr. GROSVENOR. It was the Democrats of this House who undertook to be partisan in this matter. They are the partisans here. The majority comes with their bill. It is satisfactory to us and we supposed it was satisfactory to them. We believe it is satisfactory to them, and I believe that ninety-five out of every hundred of the gentlemen on the other side will vote for the bill very cordially and boast of the fact that they got so good a measure and had an opportunity to record their votes in favor of it.

Mr. DALZELL. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. DALZELL] has seven minutes and the gentleman from Mississippi [Mr. WILLIAMS] has ten minutes remaining.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I shall not follow the gentleman from Ohio [Mr. GROSVENOR] off into the history of the proceedings of a Democratic caucus, because that is history to be discussed elsewhere and has nothing to do with the question now before this House. I will only say in that connection that we have never sought any opportunity to amend the provisions of the Davey bill with regard to rate fixing. We sought merely the opportunity to add to it an additional section upon a different question, to wit, to deal with private car lines, and the Republican objection to our being permitted to do that is proof sufficient of the objection of that party to having that evil dealt with. The object of the Democratic caucus, I will inform the gentleman from Ohio [Mr. GROSVENOR], has been accomplished. That was to let the President of the United States know and to let minority men on the majority side know that there would be no mere factional or partisan opposition to a great public measure; that we could strengthen their hands so that they could override in their own party those who were opposed to substantive and affirmative legislation upon this question, and thus force action at the hands of the Interstate and Foreign Commerce Committee and at your hands as a majority in this House, and we have forced them. The object of that caucus stands accomplished. [Applause.]

Now, so much for that. All the gentleman's talk, however, can not conceal the real object of this rule. The real object of this rule is not to cut us off from the power to extend and enlarge the provisions of the bill which we propose to offer as a substitute—by long odds the best bill, the best considered, and most in line with the recommendations of the President that has been offered in this House; by long odds ahead of the one that you are going to offer in that respect. That is not your object; because you do not care particularly what we offer; because what we offer is not going to become law; and you know that and we know that. It is merely announcing the Democratic sentiment and contention upon this question, so as to keep the record before the country straight. What you are really trying to do by this rule is to prevent this side—anxious to carry out the vital principles of the President's recommendation, and enough men on that side added to them from doing that thing—from enacting into legislation in full those principles, our principles, before he espoused them.

This rule is brought here for the purpose of preventing a majority of this House—composed of this side solidly, with enough of that side to make a majority—from formulating and bringing forth a bill which would accomplish this purpose. Your object in this rule is to prevent your own men from amending your own bill with our assistance. [Applause on the Democratic side.] That is your object.

Now, let each one of you understand, and let the country understand, when you vote against this rule, precisely what you are doing. You are voting to conserve in your majority bill and keep from being amended three "railroad jokers" in section 14. If you opened this bill for amendment, the amendments necessary to cure the effect of those "jokers" would be offered, and they would be passed by this House.

Your President has recommended a measure where a rate substituted by the Commission for one declared off by it shall be immediately operative, and shall remain continuously operative pending litigation until set aside by final decision of a court. Your bill grants that, but you, in section 14, provide for all sorts of temporary "restraining orders," superseding the operation of the Commissioner's rate "preparatory to a hearing" "upon the merits." In another part of this bill you attempt to make the impression that your court of transportation will be purely an appelate court, and that all the testimony they will hear

will be the testimony adduced before the Interstate Commerce Commission.

But in section 14, which comes subsequently, you add a provision that these interlocutory superseding orders shall be "preparatory to a hearing *upon the merits*." That makes it necessarily a trial de nova, so that your court goes over all that has been gone over by the Interstate Commerce Commission, or can, at any rate, do so. In section 14 we propose, if permitted, by amendment to make the bill say that these restraining orders should be granted only after due notice to all parties litigant and opportunity to be heard by both sides. In a restraining order granted the case should not depend upon mere ex parte testimony, but a restraining order where it shall be granted at all should be issued only in accordance with the provisions of the judiciary act of 1789, a provision which then applied to all injunctions and superseding restraining orders "after due notice to all the litigants and an opportunity to be heard." We want to reenact that with regard to this special class of injunctions issued to override the Interstate Commerce Commission. Your President says that you can do it. He has lately heartily indorsed the idea in connection with another class of injunctions, and a bill has been introduced by a gentleman on that side of the House in connection with injunctions in labor troubles, providing that these injunctions shall not be granted until after notice and opportunity to be heard. That may be a debatable point with regard to injunctions in labor troubles, because it is at least conceivable that some day some red-handed, howling mob, personifying Fury, might have in its right hand a torch and a dagger in the left, destroying and further threatening life and property, when even the shortest delay for notice might result in irreparable damage; but in these cases, superseding a finding of the Commission fixing a rate, there could never be irreparable damage, but only such slight and temporary injury as would grow up by reason of the fact that a road would fail for a brief interval during litigation to collect a small percentage of a rate which it desired to collect. Your bill is framed on the presumption that the Interstate Commerce Commission will commit errors and you are constantly guarding against them.

Our bill is framed upon the idea that it is to be assumed at any rate that they are to be impartial and not commit error, and that the benefit of the doubt ought to be given pendente lite to an impartial governmental tribunal, rather than to a partial, interested party.

In your section 14 are the two railroad jokers, one of which I have indicated to be that you really can hear the case de novo; the other is that you leave it still as it is now for the railroads if they will (and of course they will) to get mere pro forma restraining orders and injunctions and to continue litigation almost ad infinitum, as they do now. The gentleman has talked so much about giving us "the opportunity to express ourselves." Representing this side of this Chamber, I say now that we will surrender every moment of debate that you grant us under the rule, and will agree to have no debate at all, if you will give us an opportunity to offer just three amendments to section 14 of your own bill. [Applause on the Democratic side.] I will surrender the principle that ought to be sacred that a minority has the right to perfect by amendment or by extension and enlargement any measure, which is its measure and not yours, before submitting to its vote and yours. I will give up the vote upon our substitute altogether if you will let me offer three amendments to your bill. All that I ask to-day, and by that I will abide, is that you give us the opportunity to offer three amendments to your bill; and if you do that, without debate or anything else, I say now to the country that I know that those three amendments will pass this House. [Applause on the Democratic side.]

Oh, gentlemen excuse themselves, or try to excuse themselves, upon the ground—I do not know that I quote the exact language of the gentleman from Ohio [Mr. GROSVENOR]; I think I do—that this will go to the Senate and "there will be an opportunity for the Senate to make law out of what we may do here." Ah, there sits in that chair ordinarily, although he is not there at this moment, the man who has more than any other man upheld against the Senate the dignity of the House of Representatives.

And here it is proposed that we surrender to the Senate of the United States all discretion with regard to serious legislation; that we shall merely crudify instead of perfecting, and send to the Senate for them to perfect, giving them "the opportunity to make law out of what we may do here." I indorse these words from the New York Evening Post:

> Whether the House ought or ought not to pass a bill giving the Interstate Commerce Commission power to make railroad rates, it ought not to do it in the way voted by the Republican caucus yesterday afternoon.

I say it ought to pass such a bill though, and we ought to support the three vital points of the President's message, to wit: First, the power of the Commission to substitute a rate for one declared off; secondly, to make that rate operative until set aside by final judgment of a court; third, to make the appeal or review, or whatever it is, to be heard in the appellate court only upon the evidence as adduced before the Interstate Commerce Commission, making of it purely an appellate court—of course providing as in other cases of appellate hearing for newly discovered evidence which could not with reasonable diligence have been ascertained earlier.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. I ask unanimous consent for one minute, to finish reading this clause of this editorial.

The SPEAKER pro tempore. The gentleman asks unanimous consent that he may continue for one minute. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Now, the Evening Post continues:

> And it is Speaker CANNON, the angry stickler for the rights and privileges of the House as against the Senate, who is foremost in urging this stultification of the Representatives! That it amounts to this, who can dispute? The bill would not pass unless the House firmly believed that the Senate would either kill it or amend it out of all likeness to its original. This, of course, is simply to renounce the serious business of legislation, and turn it all over to the Senate. The latter body, of which the House professes to be jealous, is to be further exalted at the expense of the House of Representatives.

[Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Pennsylvania has seven minutes remaining.

Mr. DALZELL. Mr. Speaker, I shall not follow the gentleman from Mississippi into a discussion of the merits of this bill at this time. I want to say to him that the Democratic caucus did an exceedingly unnecessary thing when it came, or attempted to come, to the aid of the President of the United States and of the Republican party.

I suggest to him that neither the President nor the Republican party stands in need of Democratic aid. [Applause on the Republican side.] I congratulate the Democratic party that since November last they have discovered that the man in the White House is a good man not only for Republicans, but for Democrats to follow. [Applause on the Republican side.] Now, what is the burden of their complaint with respect to this rule? The gentleman from Missouri [Mr. DE ARMOND] complains that they are not permitted to vote upon a substitute which they would like to offer. The gentleman from Mississippi [Mr. WILLIAMS] complains, not in the same strain, but that they are not permitted to vote upon three amendments, which he does not specify and about which we have heard nothing at all up to this time. Now, what is the situation? I venture to say that a fairer rule never was brought into this House.

I suppose there is not a gentleman on either side of this Chamber who does not believe that legislation ought to be enacted along the lines of a bill relating to freight rates. There is a unanimity of opinion on that subject, but there is a difference of opinion as to the method by which we should legislate. The settlement of that question is intrusted, in the first instance, to the Interstate and Foreign Commerce Committee, consisting of gentlemen representing both sides of this Chamber. The result of their investigation is the evolution of two propositions, one representing the views of the majority and the other representing the views of the minority.

Mr. WILLIAMS of Mississippi. Will the gentleman pardon just one interruption, and I will interrupt no more?

Mr. DALZELL. Certainly.

Mr. WILLIAMS of Mississippi. If the gentleman can now give or can hereafter print in the RECORD any precedent for a rule which designates a particular bill as the substitute, and the only substitute which the minority can offer, I wish he would either give it now or furnish it in the RECORD. I say there is none.

Mr. DALZELL. Mr. Speaker, I would say to the gentleman from Mississippi [Mr. WILLIAMS] that this rule displays the fairness of the Republican party in the House in allowing the minority to offer any substitute at all. [Laughter.]

Mr. WILLIAMS of Mississippi. There are plenty of instances where the right to deny to offer a substitute at all has been made both by the Democratic and Republican Congresses. That is not the question.

Mr. DALZELL. I can cite the gentleman from Mississippi to hundreds of instances, under both Democratic and Republican Administrations, where the right to offer a substitute at all has been denied.

Mr. WILLIAMS of Mississippi. I admit that.

Mr. DALZELL. Now, to continue, the result of the submission of this question to the Interstate and Foreign Commerce Committee resulted in the evolution of two propositions, one representing the views of the minority and the other representing the views of the majority. I ask you, could anything be fairer than a proposition which allows the House to pass upon both of those propositions? Here, on pages 13 and 14 of the report of the Interstate and Foreign Commerce Committee, the minority set out their proposition, and that proposition the pending rule provides for a vote upon.

Mr. SHACKLEFORD. Mr. Speaker, may I ask the gentleman a question right there?

Mr. DALZELL. Oh, I can not yield.

Mr. SHACKLEFORD. I would like to ask just one question.

Mr. DALZELL. I can not yield to the gentleman now.

Mr. SHACKLEFORD. I would like to know how the gentleman knows what the minority wants?

Mr. DALZELL. For some reason or other (I do not pretend to say whether it be for a chance to make some political capital or not), after the indorsement of the proposition by the minority on the Interstate and Foreign Commerce Committee, after the indorsement of that proposition, if we may believe the newspapers, by the Democratic caucus, gentlemen change their minds and want to introduce another; and it is because the rule does not provide for a vote on that afterthougth proposition that they complain here to-day. Now, I submit that nothing could possibly be fairer than to permit this House to pass upon the two propositions that represent the two views, one entertained by men on this side of the Chamber and the other entertained by men on that side of the Chamber.

Both of these measures, if we may believe what the newspapers say, have been discussed, debated, resolved upon in caucuses of the two parties, the Democratic party and the Republican party, and they are now to be submitted to the arbitrament of a vote, after a generous debate.

Mr. COCKRAN of New York. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. Yes.

Mr. COCKRAN of New York. I recognize the entire fairness of that statement. Would there be any objection to diminishing the length of the debate, inasmuch as there is no question between the two parties as to the principle of these bills, and allowing some of the time to be occupied in considering one or two amendments?

Mr. DALZELL. Oh, I should hate to cut off the Democratic party in this House from generous debate.

Mr. COCKRAN of New York. But the Democratic party proposes to surrender debate and substitute action, with the gentleman's permission.

Mr. DALZELL. I would say to the gentleman that we probably shall not have any amendments, except those that are mentioned in this rule.

Mr. COCKRAN of New York. That is, the majority will not consent to the offering of amendments?

Mr. DALZELL. No; it will not.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired. The question is on the adoption of the resolution from the Committee on Rules.

Mr. WILLIAMS of Mississippi. Mr. Speaker, so as to save the time of the House and of the country, I demand the yeas and nays.

Mr. DALZELL. Well, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 139, answered "present" 5, not voting 74, as follows:

YEAS—166.

Acheson	Bowersock	Calderhead	Darragh
Adams, Pa.	Bradley	Campbell	Davis, Minn.
Adams, Wis.	Brandegee	Capron	Deemer
Allen	Brick	Cassel	Draper
Ames	Brooks	Conner	Driscoll
Babcock	Brown, Pa.	Cooper, Pa.	Dwight
Bartholdt	Brown, Wis.	Cousins	Esch
Bates	Brownlow	Cromer	Evans
Bede	Buckman	Crumpacker	Fordney
Beidler	Burke	Currier	Foss
Birdsall	Burkett	Curtis	Foster, Vt.
Bishop	Burleigh	Cushman	French
Bonynge	Burton	Dalzell	Gaines, Tenn.
Boutell	Butler, Pa	Daniels	Gaines, W. Va.
Gardner, Mass.	Humphrey, Wash.	Martin	Smith, Pa.
Gardner, Mich.	Hunter	Miller	Snapp
Gardner, N. J.	Jackson, Md.	Minor	Southard
Gibson	Jones, Wash.	Mondell	Spalding
Gillet, N. Y.	Kennedy	Morgan	Stafford
Gillett, Cal.	Kinkaid	Morrell	Steenerson
Gillett, Mass.	Knapp	Mudd	Stevens, Minn.
Goebel	Kyle	Murdock	Sulloway
Graff	Lacey	Needham	Tawney
Greene	Landis, Chas. B.	Nevin	Thomas, Iowa
Grosvenor	Landis, Frederick	Norris	Thomas, Ohio
Hamilton	Lawrence	Otjen	Tirrell
Haskins	Lilley	Overstreet	Townsend
Haugen	Littauer	Palmer	Volstead
Hedge	Littlefield	Parker	Wachter
Hemenway	Longworth	Patterson, Pa.	Warner
Henry, Conn.	Lorimer	Payne	Warnock
Hepburn	Loud	Porter	Watson
Hermann	Loudenslager	Powers, Me.	Webber
Hildebrant	Lovering	Prince	Wiley, N. J.
Hill, Conn.	McCarthy	Reeder	Williamson
Hinshaw	McClearv, Minn.	Roberts	Wilson, Ill.
Hitt	McCreary, Pa.	Rodenberg	Wood
Hogg	McLachlan	Scott	Woodyard
Holliday	McMorran	Shiras	Wright
Howell, N. J.	Mahon	Sibley	Young
Howell, Utah	Mann	Slemp	
Hull	Marshall	Smith, Iowa	

NAYS—139.

Aiken	Fitzgerald	Lamb	Russell
Baker	Flood	Legare	Ryan
Bankhead	Garber	Lever	Scarborough
Bartlett	Garner	Lewis	Scudder
Beall, Tex.	Gillespie	Lind	Shackleford
Bell, Cal.	Glass	Lindsay	Sheppard
Benny	Goldfogle	Little	Sherley
Benton	Goulden	Livernash	Shober
Bowers	Granger	Livingston	Sims
Bowie	Gregg	Lloyd	Slayden
Brantley	Griggs	Lucking	Smith, Ky.
Breazeale	Gudger	McAndrews	Smith, Tex.
Broussard	Hamlin	McLain	Snook
Brundidge	Hardwick	McNary	Southall
Burgess	Harrison	Macon	Southwick
Burleson	Hay	Miers, Ind.	Sparkman
Byrd	Heflin	Moon, Tenn.	Spight
Candler	Henry, Tex.	Padgett	Stanley
Clark	Hill, Miss.	Patterson, N. C.	Stephens, Tex.
Clayton	Hitchcock	Pierce	Sullivan, Mass.
Cochran, Mo.	Hopkins	Pinckney	Talbott
Cockran, N. Y.	Houston	Pou	Thomas, N. C.
Cooper, Tex.	Howard	Pujo	Trimble
Cowherd	Hughes, N. J.	Rainey	Underwood
Croft	Humphreys, Miss.	Randell, Tex.	Van Duzer
Crowley	Hunt	Reid	Vreeland
Davey, La.	James	Rhea	Wallace
Davis, Fla.	Johnson	Richardson, Ala.	Webb
De Armond	Jones, Va.	Richardson, Tenn.	Weisse
Denny	Kehoe	Rider	Wiley, Ala.
Dickerman	Keliher	Rixey	Williams, Ill.
Dinsmore	Kline	Robb	Williams, Miss.
Dougherty	Kluttz	Robinson, Ark.	Wynn
Field	Lamar, Fla.	Robinson, Ind.	Zenor
Finley	Lamar, Mo.	Rucker	

ANSWERED "PRESENT"—5.

Adamson	Ransdell, La.	Ruppert	Van Voorhis
Meyer, La.			

NOT VOTING—74.

Alexander	Fitzpatrick	Lester	Smith, Samuel W.
Badger	Flack	McCall	Smith, Wm. Alden
Bassett	Foster, Ill.	McDermott	Smith, N. Y.
Bingham	Fowler	Maddox	Sperry
Burnett	Fuller	Marsh	Sterling
Butler, Mo.	Gilbert	Maynard	Sullivan, N. Y.
Caldwell	Gooch	Moon, Pa.	Sulzer
Cassingham	Griffith	Olmsted	Swanson
Castor	Hearst	Otis	Tate
Connell	Huff	Page	Taylor
Cooper, Wis.	Hughes, W. Va.	Patterson, Tenn.	Thayer
Davidson	Jackson, Ohio	Pearre	Vandiver
Dayton	Jenkins	Perkins	Wade
Dixon	Ketcham	Powers, Mass.	Wadsworth
Douglas	Kitchin, Claude	Robertson, La.	Wanger
Dovener	Kitchin, Wm. W.	Sherman	Weems
Dresser	Knopf	Shull	Wilson, N. Y.
Dunwell	Knowland	Small	
Emerich	Lafean	Smith, Ill.	

So the resolution was agreed to.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

For the day:

Mr. DOVENER with Mr. LESTER.

For the balance of the day:

Mr. MARSH with Mr. SHULL.

Mr. DIXON with Mr. BURNETT.

On this vote:

Mr. COOPER of Wisconsin with Mr. MAYNARD.

Mr. JENKINS with Mr. MADDOX.

Mr HUFF with Mr. TATE.

Mr. SMITH of Illinois with Mr. BADGER.

Mr. RANSDELL of Louisiana. Mr. Speaker, I voted "no," but I find that I am paired with the gentleman from Wisconsin, Mr. DAVIDSON, and wish to withdraw my vote, and answer "present."

The name of Mr. RANSDELL of Louisiana was called, and he answered "present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. Under the order, the House resolves itself into Committee of the Whole House on the state of the Union for the consideration of the railroad rate bill, and the gentleman from New Hampshire [Mr. CURRIER] will take the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union under an order adopted by the House for the consideration of the bill (H. R. 18588) to supplement and amend the act entitled "An act to regulate commerce," approved February 4, 1887, and the Clerk will read the bill.

Mr. HEPBURN. Mr. Chairman, I ask unanimous consent that the title to this bill and to the substitute be read, and that the full reading of both bills be dispensed with.

Mr. PAYNE. Mr. Chairman, a parliamentary inquiry. Under the order, if the reading of the bills is dispensed with now, will they be read at all before the House is called upon to vote?

Mr. WILLIAMS of Mississippi. No.

Mr. PAYNE. I think they ought to be read now.

Mr. HEPBURN. I withdraw the request, Mr. Chairman.

Mr. LACEY. Why not print them in the RECORD?

The CHAIRMAN. The request by the gentleman from Iowa is withdrawn, and the Clerk will read.

The Clerk read as folows:

Be it enacted, etc., That whenever upon complaint duly made under section 13 of the act to regulate commerce the Interstate Commerce Commission shall, after full hearing, make any finding or ruling, declaring any existing rate for the transportation of persons or property, or any regulation or practice whatsoever affecting the transportation of persons or property to be unreasonable or unjustly discriminatory, the Commission shall have power, and it shall be its duty, to declare and order what shall be a just and reasonable rate, practice, or regulation to be charged, imposed, or followed in the future in place of that found to be unreasonable or unjustly discriminatory, and the order of the Commission shall, of its own force, take effect and become operative thirty days after notice thereof has been given to the person or persons directly affected thereby; but at any time within sixty days from date of such notice any person or persons directly affected by the order of the Commission, and deeming it to be contrary to law, may institute proceedings in the court of transportation sitting as a court of equity, to have it reviewed and its lawfulness, justness, or reasonableness inquired into and determined.

SEC. 2. That when the rate substituted by the Commission as hereinbefore provided shall be a joint rate, and the carriers, parties thereto, fail to agree upon the apportionment thereof among themselves within twenty days after notice of such order, the Commission may, after a full hearing, issue a supplemental order declaring the portion of such joint rate to be received by each carrier party thereto, which shall take effect of its own force as part of the original order. Such supplemental order shall be subject to review by the court of transportation within the time and in the manner hereinbefore provided for the review of original orders of the Commission: *Provided*, That any rate, whether single or joint, which may be fixed by the Commission under the provisions of this act shall for all purposes be deemed the published rate of such carrier and subject to the provisions of an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903.

SEC. 3. That in every such proceeding for review the petitions and answers filed with the Commission and the Commission's findings, opinions, and order, together with the evidence introduced in the hearing before the Commission, shall be deemed a part of the record of the cause in the court of transportation, and said record shall by the Commission be filed with the court of transportation within ten days after notice for such review is given.

That in all such proceedings for review the defense shall be conducted under the direction of the Attorney-General, but the Commission, with the approval of the Attorney-General, may employ special counsel to be paid from its own appropriation.

That the Commission may at any time, whether before or on notice to the court during the progress of a judicial review of its action by the court of transportation, reopen its proceedings in any case and modify, suspend, or annul its former order, ruling, or requirement.

SEC. 4. That if any party bound thereby shall at any time while it is in effect refuse or neglect to obey or perform any order of the Commission mentioned in sections 1 and 2 of this act the Commission may apply by petition to the court of transportation to enforce obedience to its order by writ or injunction or other appropriate process, and in addition thereto the offending party shall, for each day of the continuance of such refusal or neglect from the time such order shall have become operative, be subject to a penalty of $5,000, which, together with costs of suit, shall be recoverable by the Commission for the use of the United States in an action of debt in the court of transportation.

SEC. 5. That the word "person" or "persons" wherever used in this act shall be deemed to include corporations.

SEC. 6. That the Interstate Commerce Commission is hereby increased to seven members, and the salary of each shall be $10,000 per annum. The President shall appoint, by and with the advice and consent of the Senate, two additional Interstate Commerce Commissioners. Not more than four commissioners shall be appointed from the same political party.

SEC. 7. That there is hereby established a court of record, with full jurisdiction in law and equity, to be called the court of transportation, which shall be composed of five circuit judges of the United States, no two of whom shall be from the same circuit, and three of whom shall constitute a quorum, who shall be designated by the President for terms of one, two, three, four, and five years, respectively, from April 1, 1905, and as their terms expire the President shall from the circuit judges appoint their successors for terms of five years each.

SEC. 8. That the court of transportation shall hold four regular sessions each year at the city of Washington, beginning on the first Tuesday in March, June, September, and December, and a quorum of said judges may appoint special sessions of the court to be held at other places when justice would thereby be promoted: *Provided*, That if the business of said court of transportation will permit, the judges, or any member of them, may be assigned to duty in the various circuits as now provided by law, but under no circumstances shall such assignment interfere with the necessary and expeditious performance of the duties of said court of transportation.

SEC. 9. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall receive the pay and emoluments, and exercise the authority and powers, and perform the duties now or hereafter required by law to be performed by judges of the circuit court of the United States.

SEC. 10. That the court of transportation shall have exclusive original jurisdiction of all suits and proceedings of a civil nature in law or equity brought in the name of the United States or the Interstate Commerce Commission to enforce the provisions of this act, the act entitled "An act to regulate commerce," approved February 4, 1887, and the amendments thereto, the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and any law that may hereafter be enacted amendatory of or supplementary to those acts, and it shall also have exclusive original jurisdiction of all suits and proceedings of a civil nature in law or equity brought to enforce obedience to, or to restrain, enjoin, or otherwise prevent the enforcement and operation of, any order, ruling, or requirement made and promulgated by the Interstate Commerce Commission under the authority of any power conferred upon it by either of the aforesaid acts or by any law that may hereafter be enacted amendatory thereof or supplementary thereto: *Provided, however*, That proceedings to enforce contumacious witnesses to attend and testify or produce documentary evidence before the Interstate Commerce Commission may be brought in any court of the United States of original jurisdiction, sitting in the place or district where the inquiry or hearing of the Commission is being held, and in all other respects such proceedings shall follow the course prescribed in section 12 of the aforesaid act entitled "An act to regulate commerce."

SEC. 11. That in the exercise of the jurisdiction defined and conferred upon it by this act the court of transportation shall possess all the powers of a circuit court of the United States, so far as the same may be applicable.

SEC. 12. That in every suit or proceeding brought in the court of transportation to enforce orders, rulings, or requirements of the Interstate Commerce Commission, or to restrain or enjoin, or otherwise prevent their enforcement and operation, the findings of fact made and reported by the Commission shall be received as prima facie evidence of each and every fact found, and no evidence on behalf of either party shall be admissible in any such suit or proceeding which was not offered, but which with the exercise of proper diligence could have been offered, upon the hearing before the Commission that resulted in the particular order or orders in controversy; but nothing herein contained shall be construed to forbid the admission, in any such suit or proceeding, of evidence not existing, or which could not, with due diligence, have been known to the parties at the time of the hearing before the Commission.

SEC. 13. That the court of transportation shall have power to summon and bring before it all parties named as defendants or respondents in proceedings before it in whatever judicial district, Territory, or possession of the United States they may reside, and subpœnas for witnesses to appear before the court of transportation may run into any judicial district or any Territory or possession of the United States.

SEC. 14. That the court of transportation, as a court of equity, shall be deemed always open for the purpose of filing any pleading, including any certification from the Interstate Commerce Commission, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, including temporary restraining orders, preparatory to the hearing upon their merits of all causes pending therein; and any justice of the court of transportation may, upon reasonable notice to the parties, make and direct and award at chambers, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, including temporary restraining orders, wherever the same are grantable, as, of course, according to the rules and practice of the court.

SEC. 15. That in all cases affected by this act where, under the laws heretofore in force, an appeal or writ of error lay from the final order, judgment, or decree of any circuit court of the United States to the Supreme Court, an appeal or writ of error shall lie from the final order, judgment, or decree of the court of transportation to the Supreme Court and that court only, and must be taken within thirty days from the date of entry thereof; and said Supreme Court shall give precedence to the hearing and decision of such appeal over all other causes except criminal cases, and the rules and regulations which under existing law govern appeals and writs of error from the several circuit courts to the Supreme Court shall govern appeals and writs of error from the court of transportation, except as herein otherwise provided.

SEC. 16. That the court of transportation shall have power to prescribe the form and style of its seal, and to prescribe from time to time and in any manner not inconsistent with any law of the United States the forms of writs and other process and rules for the return thereof, the modes of framing and filing proceedings and pleadings, of taking evidence, and of drawing up, entering, and enrolling orders, judgments, and decrees, and otherwise to regulate its practice and procedure as may be necessary or convenient for the advancement of justice.

SEC. 17. That the costs and fees in the court of transportation shall be prescribed by a quorum of the justices thereof and shall be expended, accounted for, and paid over to the Treasury of the United States in the same manner as is now provided in respect of the costs and fees in the several circuit courts.

SEC. 18. That the court of transportation shall have power to appoint a clerk, a deputy clerk if necessary, a bailiff who shall act as crier, and a messenger, who shall receive annual salaries, as follows, payable from the Treasury of the United States: The clerk, $5,000; the dep-

uty clerk, if one shall be appointed, $2,500; the bailiff, $2,000, and the messenger $1,800. The clerk and deputy clerk shall subscribe to the oaths or affirmations prescribed for clerks of the several circuit and district courts of the United States, and shall each give bond in sums to be fixed and with sureties to be approved by the court, conditioned faithfully to discharge the duties of their office and seasonably to record the decrees, judgments, and determinations of the court of which they are, respectively, clerk and deputy clerk.

SEC. 19. That the justices, the clerk, and the deputy clerk of the court of transportation shall have power to administer oaths and affirmations.

SEC. 20. That the marshal of the United States for the District of Columbia, or for any judicial circuit of the United States in which the court shall be sitting, shall attend the sessions and shall execute the orders and processes of the court of transportation.

SEC. 21. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 22. That this act shall take effect on the 1st day of April, 1905.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof:

"That when hereafter, upon complaint made and after investigation and hearing had, the Interstate Commerce Commission shall declare a given rate, whether joint or single, or regulation, or practice, for transportation of freight or passengers unreasonable or unjustly discriminative, it shall be the duty of the Commission, and it is hereby authorized to perform that duty, to declare at the same time what would be a fair, just, and reasonable rate, or regulation, or practice in lieu of the rate, regulation, or practice declared unreasonable, and the new rate, regulation, or practice so declared shall become operative twenty days after notice: *Provided*, That the Commission shall in no case have power to raise a rate filed and published by a carrier.

"SEC. 2. That whenever, in consequence of the decision of the Interstate Commerce Commission, a rate, regulation, or practice has been established and declared as fair, just, and reasonable, and litigation shall ensue because of such decision, the rate, regulation, or practice fixed by the Interstate Commerce Commission shall continue as the rate, regulation, or practice to be charged by the carrier during the pendency of the litigation and until the decision of the Interstate Commerce Commission shall be held to be error on a final judgment of the questions involved by the United States court having proper jurisdiction, but no proceeding by any court taking jurisdiction shall consider any testimony except such as is contained in the record.

"SEC. 3. That when the rate substituted by the Commission as hereinbefore provided shall be a joint rate, and the carriers, parties thereto, fail to agree upon the apportionment thereof among themselves within twenty days after notice of such order, the Commission may issue a supplemental order declaring the portion of such joint rate to be received by each carrier party thereto, which shall take effect of its own force as part of the original order; and when the order of the Commission prescribes the just relation of rates to or from common or competitive points on the lines and between common or competitive points and the respective terminals of said lines of the several carriers parties to the proceedings, and such carriers fail to notify the Commission within twenty days after notice of such order that they have agreed among themselves as to the changes to be made to effect compliance therewith, the Commission may issue a supplemental order prescribing the rates to be charged to or from such common or competitive points by either or all of the parties to the proceeding, which order shall take effect of its own force as part of the original order, and shall continue as the rate regulation or practice to be charged by the carrier or carriers during the pendency of litigation resulting from the order of the Commission until or unless the decision of the Commission shall be held to be error on final judgment of the questions involved by the United States court having proper jurisdiction.

"SEC. 4. That in case such common carrier or carriers shall neglect, or refuse to adopt, or keep in force, such tariffs of rates, fares, charges, and classifications, or regulations, or practice, so declared and fixed by the Commission, it shall be the duty of the Commission to publish such tariffs of rates, fares, charges, and classifications, or regulations, or practice, as the Commission has declared to be reasonable and lawful, in such manner as the Commission may deem expedient. Thereafter, if any such carrier or carriers shall charge, impose, or maintain a higher or lower fare, charge, or classification, or shall enforce any different regulation or practice than that so declared or fixed by the Commission, such common carrier or carriers shall forfeit to the United States the sum of $5,000 for each and every day it has continued to refuse or neglected to enforce and apply the said tariff regulation so published by the Commission. Each forfeiture herein provided for shall be payable into the Treasury of the United States, and shall be recovered in a civil suit in the name of the United States, brought in the district where the carrier has its principal office, or in any district through which the road of the carrier runs. It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of such forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. The Commission may, with the consent of the Attorney-General, employ special counsel under this act, paying the expenses of such employment out of its own appropriation.

"SEC. 5. That all existing laws relating to the procurement of witnesses, books, papers, contracts, or documents, and the enforcement of hearings in cases or proceedings under or connected with the act to regulate commerce shall also apply to any case or proceeding affected by this act.

"SEC. 6. That all cases arising under the provisions of this act and all cases in which any carrier or carriers shall, by any suit or proceeding, seek to enjoin or annul, suspend, or modify any order or ruling of the Interstate Commerce Commission shall have precedence over all other cases, except criminal, in any court to which any such case may be carried.

"SEC. 7. That this act shall take effect from its passage."

Mr. HEPBURN. Mr. Chairman, I would like to state at the commencement of this debate that I shall interpose an objection to all requests for an extension of time that may be made on this side of the House, and I understand it to be the purpose of the gentleman from Louisiana [Mr. DAVEY] to make a similar objection to all similar requests on the other side. I make this explanation because every moment of time allotted to this side has already been arranged for and I think the same is true on the other side, and because these enlargements of time by unanimous consent would disarrange this whole order and bring disappointment upon gentlemen who expect to speak. Of course it is not intended, and will not be considered, I hope, by anyone, as offensive to any gentleman against whom this objection may be made. Mr. Chairman, I now yield one hour or such time of it as he may need, not to exceed an hour, to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND Mr. Chairman, it is with some diffidence that I arise to address the House on what seems to me to be one of the greatest and most complicated questions which the Congress can be called upon to settle; certainly it is the greatest question which has been broughe before the Fifty-eighth Conyress. It furnishes ample occasion for the agitator who desires notoriety before his constituents and who is eager to strike a blow at the railroads, whether below or above the belt it matters not; it is equally fruitful for opportuities for that greed and selfishness born of great power and nurtured by a desire for financial gain, which would deceive the Congress and the nation into believing that the creatures of government are outside and beyond its control and that the problem is so great and so complex that only the railroads can solve it. It is also a subject calling for the most intelligent and unbiased service of the true statesman who is wiling to serve his country by devoting his ability, his patriotism, and his duty to its solution without fear or hope of favor.

Your Committee on Interstate and Foreign Commerce has for long weeks, almost without interruption, listened to testimony on this great subject. Under the leadership of its great chairman the committee has, with greatest consideration and most exact fairness, considered every phase of the question. And without his advice, and possibly against his judgment, I desire to say to the House and to the country that no man could have been fairer or more considerate, more conscientious in his efforts to get at the truth and then to enact into law the best bill that could be prepared at this time, than the disinguished gentleman from Iowa, Colonel HEPBURN.

Every opinion has been honored with respectful and exhaustive, and sometimes exhausting, hearing.

I have concluded to address the House briefly because I have some settled convictions on the subject under consideration, due to a somewhat thorough study of it for the last two years, which I submit, with the perhaps vain hope that I may assist, in however feeble a manner, to its settlement.

Now, in the little time that I shall occupy I trust I shall not be considered discourteous if I shall refuse to be interrupted, at least until I have neared the finish, when I wish to answer questions which I am able to, but I realize, as you realize, that during the next few days this question will be discussed in its every phase and every gentleman will have an opportunity to express his own opinion, and therefore he will not be an intruder upon the time of another——

Mr. BAKER. How, then, will we have an opportunity——

The CHAIRMAN. The gentleman declines to yield.

Mr. BAKER. I thought so.

Mr. TOWNSEND. Commerce among the States is, by the Constitution, in the hands of Congress; therefore the question is properly in this forum.

Originally Congress built wagon and stage roads for trade and supervised them and imposed and collected tolls. As commerce increased the construction of these roads was turned over to individuals and corporations, but always with the right to Congress reserved of imposing conditions as to regulations, including the regulation of rates of toll.

To encourage the building of railroads the Congress and State legislatures have granted peculiar powers to railroad corporations. In fact, the people, through their representatives, have given to these corporations certain sovereign powers not possessed by individuals, in order that the corporations may do the people's work and charge therefor a reasonable toll.

Commerce among States has increased decade by decade and year by year until to-day it constitutes 70 per cent of the stupendous amount of the total foreign and domestic trade of the United States.

From the time when the Columbian gravel road was built by the United States until the last railroad was completed in the Republic the Government has exercised in some degree the right which it retained to regulate interstate commerce over these roads. It, on one hand, has protected the roads against confiscation, and, on the other, it has had the right to demand that the roads should not be confiscatory in their rates of toll; that

its regulations should be reasonable and for the encouragement of commerce. It has imposed conditions as to appliances for safety of employees. It has, in fact, under all circumstances retained the power to impose such conditions and regulations as would be for the people's good—the people whom these corporations serve and upon whom they thrive. So that the proposition to regulate by limiting rates or establishing other conditions is not a new one. The right was expressly or by implication in the Constitution reserved to the Government in every charter of every interstate railroad in the United States.

Time forbids and necessity does not require that I should at this time enumerate the wrongs and inequalities from which the people suffer at the hands of interstate carriers. You all have constituents who have expressed their wrongs, and undoubtedly you have heard from many of them. Many more who have suffered you have not heard from, for the reason that the impositions upon them have been so subtle, so insidious, that they have not discovered them. They have felt that they were not receiving their just share of their genius or toil, but they were unacquainted with the cause.

The farmer who sold his wool or cotton or his beef or grain knew that he had received the published market price, knew many times that that price was unreasonably small, but did not realize that the market price was what was left after paying the freight and the handling charges for delivering his product to the consumer, and in most instances whether the product was consumed in his home town or in New York or London, freight and other expenses of transportation entered into and largely determined the price. In many cases the cost of transportation consumed all of his profit and amounted to more than the balance left him. The anxiety for traffic has induced the carriers to do many things which have been harmful to them and many others which have been exceedingly harmful to the producer and the consumer. By discriminations in rates and accommodations men have been made wealthy and others have been impoverished; cities have been made and injured. By the stockholders in coal mines becoming the owners of the railroads which serve those mines, other mines have been closed and the people have been forced to pay more than a reasonable price for a necessity of life; by reducing the freight rates on imported articles, such as sugar and cement, below the freight on domestic articles, our protective tariff has been nullified and our own producers have been injured. With the enormous increase of traffic in the United States, freight rates have not decreased. In fact, the true basis of fixing rates by quasi-public concerns, viz, the basis of net earnings, has been ignored and rates are fixed by what the traffic will stand rather than by any scientific method based on the relations of cost and income. Losses are recouped by levying extra toll, not upon one who profited from the loss, but upon him who suffered loss.

The carrier has rights which should be respected; it is entitled to a reasonable compensation for the work it does; but, created as it was for the public good, as well as for profit, the Government has the right to insist upon reasonable and just treatment, The people have surrendered the carrying trade to these corporations, and the railroad is essentially a monopoly; hence the dependence of the people upon them. Surplus products can not be moved to the place of demand except over the railroad, and unless the place of shipment has more than one road the producer is at the mercy of the carrier, and even when there is more than one road combinations and differentials frequently destroy competition. Fortunately, however, he is a part of the Government which created the carrier and to him is guaranteed the benefit of a reasonable charge, and if his legislative agent properly performs his trust no injustice will be done.

As commerce increased in variety, value, and magnitude it was discovered that methods of bookkeeping and business operations and combinations had been employed, many of which seemed necessary, which were beyond the comprehension of the ordinary producer; so reports of the business done and methods employed were required by the Government, and in 1887 a Commission was created by Congress known as the Interstate Commerce Commission, whose duty it was to make a study of these complicated conditions and enforce the people's rights.

The Congress intended, as I believe, to delegate to the Commission not only the right to condemn an unreasonable rate, but to determine what should be a reasonable rate. Section 1 of the original act declares: "All charges made for any service rendered or to be rendered in the transportation of persons or property as aforesaid or in connection therewith, or for receiving, storing, or handling such property, shall be reasonable and just, and every unjust and unreasonable charge for such service is declared to be unlawful."

Now, it is admitted that the last part of that paragraph which prohibits and declares unlawful every unjust and unreasonable charge for service implies that the Commission has the right to declare a charge unreasonable and unjust, but denies that the command in the first part of the paragraph that all charges shall be reasonable and just confers the right to declare what is a reasonable and just charge. It seems to me that this is a difference without a distinction, but the Supreme Court has construed the act, and such construction is the law.

The question now before Congress is whether with the power to declare unreasonable shall be coupled the power to fix and declare what is reasonable. Both powers can be exercised at the same time and from the same state of facts. To determine what is unjust and unreasonable must be known what is just and reasonable, for the abnormal can only be known because of knowledge of the normal. We discover ignorance only when we become wise. Wrong is only wrong because right exists. Darkness is known only to him who can see. Injustice is so because of justice. Unreason is simply not reason. So, I repeat, the efforts to discover the unjust and unreasonable rate and declare them so have of necessity determined the just and reasonable charge, and common sense demands that the declaration shall be made and remain binding until upon review it is found that the Commission has failed in performing its duties and promulgated not a legal, just, and reasonable rate, but an illegal rate.

In the long and exhaustive hearings before the Interstate and Foreign Commerce Committee it was claimed by nearly every witness that freight rates and regulations need Government supervision. Witnesses for the railroads as well as for the people admitted this, but nearly every witness representing the railroads opposed conferring the rate-making powers upon the Commission, claiming that it would be unjust to the railroads, and that it could not be exercised as well as by the roads themselves.

In all their contentions they insisted that the power to declare a rate after the existing rate was found to be unreasonable would lead to a general revision of all rates.

I insist that such would not be the result. If rates are already reasonable, the Commission will find them so if complaint is made, and the very fact that the Commission may investigate and declare rates will induce the roads to establish just ones. Furthermore, the Commission for the first few years of its existence exercised the rate-making power, and not a case has been cited where the findings of the Commission as to the unreasonableness of a rate has been set aside by the Supreme Court because of the injustice of the finding. In nearly every case of reversal the ground was that of construction of the statute. Furthermore, the carriers are willing that the Commission shall have the right to destroy a rate by condemnation, but are opposed to giving it constructive powers by allowing it to declare what shall be the proper rate.

I have tried impartially to follow the many expert and intelligent witnesses who have shed more or less light upon our committee, and it has occurred to me that every witness who has appeared in opposition to the various bills under consideration has been very willing and anxious to have supervision of the roads, if such supervision shall result beneficially to the roads and increase the revenues, but are opposed to any measure which may possibly increase the people's revenues or savings, if it may result in lowering the receipts. For instance, they welcome the enforcement of a regulation forbidding rebates, for rebates mean less earnings for the roads. If the road is unfavorably situated, it would like to be protected against the differentials employed by more favorable roads, but objects to granting the producer and consumer the protection which their very helplessness demands should be accorded them.

I never expect Congress can devise a law which will secure to both parties their exact rights under the contract between the people and the carriers, but I believe, and the people believe, that the Government has as great an interest in the rate making as in any other feature of railroad management and control. In fact, it is the key to the solution of nearly every complaint made by shippers and admitted as just by the roads.

The long and short haul, the differential, the exorbitant rate can all be remedied if not cured by the power to fix rates. But it is claimed that the roads are better able to fix rates than a disinterested commission, and yet the record shows that railroad men admit that there is no such thing as science in rate making. No railroad-traffic man can tell you whether the road is carrying any particular product at a profit or loss. He charges just what he may and his whole effort is to get as much as he possibly can. If at dividend time the road has not made as much as its owners think it ought to have made, efforts are

put forth to increase the revenue by raising rates. If lean years have been experienced, he makes up the loss in good years by raising the rates, and that without consulting the shipper to ascertain whether he, too, has suffered during the lean years and now ought not to be punished with the penalty of contributing to refund the loss sustained by the road.

The vice-president of the Gould system, Mr. Bird, admitted that the Commission has every means of information possessed by the roads necessary for rate making, but without any reason gave it as his opinion that the Commission should have power to review a rate complained of, but if found unjust should not have power to declare a reasonable and just rate.

I shall assume, as I believe under the law and under all the facts and circumstances I have a right to assume, that the interstate carriers should be regulated. I believe the facts show that in many cases unlawful and unreasonable tolls are charged. How far should that regulation extend? I trust no one will believe that I would do an injustice to the railroads of the country. I believe I will go as far as any in according to the railroads their full share of the credit for developing and maintaining the resources of the country. I recognize the fact also that there is a strong prejudice against them in the minds of many people, due, however, in no small degree to the roads themselves. No person has appeared before the committee who has asked for anything but exact justice, and it has been the desire of the committee to frame a measure that would be free from extreme notions; that would escape the Charybdis of socialism on one hand and the Scylla of unbridled monopoly on the other.

The bill reported by the majority is a compromise measure, as nearly every bill of such scope and importance must be. It seeks to increase the efficiency of the interstate-commerce law. We believe it will accomplish that object.

The principal defect pointed out to the committee by shippers and producers and their representatives is that by the decision of the Supreme Court the act of 1887 simply conferred upon the Commission the power to discover and declare an unjust condition, without conferring the power to remedy it. It might, for instance, find that a current rate of $1 was unreasonable and that the proper and reasonable rate should be 50 cents. It could order the former discontinued, but could not substitute the latter. The railroad, in obedience to the order, could, after a suit covering several years, during which the dollar rate had been running, reduce its rate 5 cents, or to 95 cents, and then have it still unreasonable. It was against this anomalous condition that most complaint was made. The pending bill empowers the Commission, after full hearing, to order the reasonable rate put into effect within thirty days. Several railroad men, notably President Spencer, of the Southern Railroad, admitted that it might be well to confer such rate-naming power upon the Commission, but was opposed to putting that rate into effect until after the court of review had affirmed the Commission's order, where review was had.

It is true that in case of a reversal of the Commission's order an injury may have been done the railroads by its enforced reduction of the rate, but it seems to me we should assume that the Commission's order is just and lawful. The evidence shows that during the years that the Commission exercised the rate-fixing power under the act of 1887 more than 90 per cent of its orders were complied with, but such compliance suggests the fact that in those cases so found to be unjust and ordered reduced the carriers had been receiving more than they were entitled to and there was no way to reimburse the parties wronged, and it is true that unless the new rate were made operative within a reasonable time in every case where the order was confirmed on review the shipper, and I use the terms to cover producer and consumer, would pay the extra freight and there would be no way to protect him. A bond would not do, as that would indemnify the actual party to the shipment, and he had already anticipated the extra freight rate by deducting it from the producer or adding it to his selling price. Neither the producer nor the consumer, being a party to the record, can be reimbursed for his loss. In any case some one must lose.

I believe it is best to believe that the Commission will issue a lawful order and have it go into immediate effect. The court will protect the carrier where the order is manifestly unlawful, and by its order will suspend the rate. I know of no power that the Congress has to divest the courts of such a right, and I seriously would doubt the propriety of its exercise if the Congress did have it. The bill provides that upon hearing a writ of injunction to suspend the rate may be issued by the court. I have no fear that this writ will be unwisely or unjustly employed. I trust the courts. I shall have confidence in the Commission.

The bill provides for the enlargement of the Commission by two members, and increases the salary of commissioners to $10,000 per annum. The object of this provision is to increase the efficiency of this tribunal. It has had more work than it has been able to perform, and with new duties added it will require more help. The duties imposed are of vast importance and should be performed by the best ability that can be obtained. Ten thousand dollars will command men fitted for the positions, and for such services by such men $10,000 is but adequate compensation. For myself, I believe that three of the present Commission should be retained. Their records, their abilities, their characters, and their experience demand that they should be retained for the good of the country.

The bill further provides for a special court composed of Federal circuit judges. One serious complaint in regard to the present law is that cases are pending for months and years sometimes. This is due somewhat to delays of the trial lawyers, but the courts have failed to dispose of many cases promptly.

Furthermore, under present conditions, no one court tries many cases, and so does not become familiar with the laws peculiar to interstate-commerce cases. I am in favor of a separate court of judges not taken from the Federal bench, because I believe such a court would in time become expert in this class of cases, and thus would be of greater value; but when it was known that the Department of Justice was demanding four new circuit judges for the work of the circuits, and that for the first two or three years the court of transportation will not have work in that court to occupy all of its time, I believe we could comply with the request of the Department of Justice and constitute our new court at the same time with less expense and approximate the same expedition by authorizing the President to appoint five new circuit judges, and then allow him to designate five of the circuit judges for the bench in the court of transportation. We will thus have a court composed at all times of judges four of whom will have had from one to four years' experience in transportation cases, and when not employed in such cases they can be assigned to circuit court work. The circuit courts, thus being relieved of the interstate-commerce cases which are now tried in them, will, with such aid of the transportation judges as they may be able to render, be able to satisfy the demands of both courts.

The other sections of the bill are calculated to carry out the above provisions.

This bill is not what every Member of this House wishes. It does not go far enough to suit some; it goes much further than is satisfactory to others. The committee who reported it believe that at this time it is the part of wisdom to take the middle ground and with fair and impartial hand deal with this mighty question, and take at least one positive step forward and wait for the results to disclose the way, in order that the next step may be taken safely and wisely. It is more difficult to step backward than forward. Government rate supervision is not an entirely new field. For years prior to 1897 the Commission exercised that power; I believe it can safely do it now, and this right, together with a similar power as to regulations and practices affecting the transportation of persons and properties, added to the powers which the Commission now has, will furnish the means for correcting most of the evils of which the people complain.

I have heard some criticisms to the effect that he who advocates the people's cause in this case is encouraging anarchy; but as a rule the critic who says that will be found to be some gentleman who is either a stockholder in some road or has mining or other interests which are enjoying special privileges which ought to be, if they are not, criminal.

Now, in conclusion, let me say that the people, as you know, are aroused to the situation. They believe that the greatest railroad interests of the country——

Mr. ADAMSON. When the gentleman reaches a point in his remarks where he can yield to a question, I would like to ask one.

Mr. TOWNSEND. I will yield now.

Mr. ADAMSON. I wish to ask the gentleman from Michigan if, under his construction, section 14 provides for more or less ample facilities and procedure for securing injunctions than is provided for by law?

Mr. TOWNSEND. I will say in response to the gentleman from Georgia [Mr. ADAMSON] that section 14 provides that any justice may upon reasonable notice issue such restraining order as is usual to a circuit court.

Mr. ADAMSON. As I remember the language, I wanted to know the gentleman's construction as to whether or not it afforded greater or less procedure.

Mr. TOWNSEND. I think it affords opportunity to expedite business, for the reason that the court is special. It is always in session. An application or a petition made for a restraining order, with the court always in session, can be heard and determined inside of forty-eight hours. That can not always be done in a circuit court as presently constituted.

Mr. ADAMSON. The judges are always accessible at chambers under existing law.

Mr. TOWNSEND. Not always for hearings on motions or petitions.

Mr. SNOOK. Mr. Chairman, I would like to ask the gentleman from Michigan [Mr. TOWNSEND] a question.

The CHAIRMAN. Does the gentleman from Michigan [Mr. TOWNSEND] yield to the gentleman from Ohio [Mr. SNOOK]?

Mr. TOWNSEND. Yes, sir.

Mr. SNOOK. I do not quite understand the position of the gentleman from Michigan [Mr. TOWNSEND] on one question, but I would like to ask him, in the light of his experience as a lawyer, if he does not think under the provisions of his bill, which provides for an appeal, that in a great majority, yes, in 90 per cent, of the cases where an appeal was taken from an order fixing the rate by the Commission that the rate will not be suspended until the appeal is finally tried? Does the gentleman not believe that such will be the result, in the light of his experience in the practice of law?

Mr. TOWNSEND. I will be frank with the gentleman from Ohio [Mr. SNOOK], and I will say that my notion is that a majority of the cases of the orders of the Commission will be complied with, and it will only be in extreme cases where orders are issued that there will be an appeal for a review, and in those cases it is entirely possible, nay, entirely probable, that there may be good reasons why the rates should be suspended until the case is determined.

Mr. SNOOK. The effect of this provision in your bill will be the same as ordinarily obtains in court where interlocutory orders are usually made.

Mr. TOWNSEND. Except that this makes provision that notice shall be given.

Mr. SNOOK. Has not the gentleman's experience in that line of practice been in almost every case that the former order has been suspended while the question has been tried?

Mr. TOWNSEND. That is true in almost all cases.

Mr. SNOOK. Is it not always the case?

Mr. TOWNSEND. I think so. I say that the order should be suspended, if the order as made is clearly unjust and unlawfully confiscates property and values under the interstae-commerce law itself. I submit that the right ought not to be taken from the court, if Congress had the power, which it has not.

I wish to say in conclusion, Mr. Chairman, I believe the people are aroused to this situation. They believe that the great railroad interests of this country have waxed powerful, and through combinations and other devices have overridden the safeguards of the people in many instances, and are able not only to nullify tariff laws and to make and break men and cities, but they have entered into the realm of politics and there have exercised their powerful influence in attempting to shape legislation. Gentlemen may say this measure is the entering wedge of anarchy which, driven by the sledge of public demand, will split asunder our present industrial system and adopt a communism in its stead. It may be. It depends upon the people's representatives whether it will be so or not. The great majority of the people are fair, honest, and intelligent. They are not asking that any injustice shall be done any interest in the United States. But they insist and they will demand that the creatures which they have licensed shall be their servants, not their masters. This bill may not be perfect; but as a friend of the railroads, I will say to you who oppose it because it goes too far, you had better accept it. There will never be a day in the history of this country when the people will ask less. Tomorrow they may demand more. Let the railroads comply with this law and voluntarily correct any evils not covered by this bill, and it will be well with them.

Let them oppose its just provisions and they will but accumulate troubles against a day of judgment.

No member of the Committee on Interstate and Foreign Commerce has any ill will toward the railroads, nor would they do them wrong; but I believe I speak the sentiment of every member of it, whether Democrat or Republican, when I say that the people have been patient and long-suffering, and now are demanding "a fair deal." This question is up for settlement. The people have expressed what they wish, and they will accept nothing less.

Mr. Chairman and gentlemen, I am obliged to you for the very considerate hearing you have given me during this talk. I said at the beginning I was ready to try and answer any questions asked me concerning the bill. I have tried hastily to outline its general features, and now am willing to answer questions that any gentleman wishes to ask me.

Mr. HITCHCOCK. Will the gentleman allow me to ask him a question?

Mr. TOWNSEND. Certainly. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes.

Mr. HITCHCOCK. I would like to ask the gentleman whether, in his opinion, after the Commission has passed upon a case and heard the evidence, it is right that a superior court should suspend the order of the Commission without giving the other side notice and opportunity to be heard?

Mr. TOWNSEND. I do not know that I have heard your question correctly.

Mr. HITCHCOCK. Is it right that, after an ex parte proceeding, they should suspend the solemn order issued by the Interstate Commerce Commission?

Mr. TOWNSEND. That is an argument against the issuance of any injunction, I take it.

Mr. HITCHCOCK. No; the gentleman misunderstands me. I am asking him whether the other side should not be given notice of an attempt to suspend the order of the Commission?

Mr. TOWNSEND. Section 4 includes the provision that they shall be suspended on notice.

Mr. HITCHCOCK. It not only makes provision for that, but that a judge sitting in chambers shall, as I have read your bill, have the right to set aside and absolutely nullify the solemn findings of the Commission, which the gentleman has shown to be of such importance to the true interests of this country; and this court can do that without formal notice to the other side. Does the gentleman think that wise?

Mr. TOWNSEND. Section 14 makes provision that the notice may be given in term or in vacation; but to get down to the question as presented by the gentleman from Nebraska [Mr. HITCHCOCK], I have faith in the courts. I have perfect faith in the Commission. I have no question in my own mind but that we can leave these matters to the courts. I think that the courts understand the temper of the people and of the Congress that passes this law. I am satisfied, I say, in my own mind, to make no extraordinary exceptions in the rules that govern this court from those which maintain in the ordinary courts.

Mr. RICHARDSON of Alabama. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNSEND. I do.

Mr. RICHARDSON of Alabama. Does your bill provide that the Interstate Commerce Commission has authority and power to raise rates?

Mr. TOWNSEND. It makes no provision in express terms for that, as the gentleman's bill does.

Mr. RICHARDSON of Alabama. What is your opinion about that?

Mr. TOWNSEND. I think that the term is broad enough when it says that it shall hear and determine what shall be a just and reasonable rate. It is possible that some circumstance or case might arise where it would be necessary for the Commission to raise a rate.

Mr. RICHARDSON of Alabama. The special freight cars or refrigerator cars are not subject to the present act to regulate commerce, are they?

Mr. TOWNSEND. I think they are. I think they are but another form of rebate.

Mr. RICHARDSON of Alabama. Do you think this bill applies to those special or private cars?

Mr. TOWNSEND. I do think it applies, in connection with the Elkins Act.

Mr. RICHARDSON of Alabama. It is left very doubtful.

Mr. TOWNSEND. Well, that may be the gentleman's opinion. I am inclined to think that it covers the case.

Mr. SHERLEY. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. TOWNSEND. I do.

Mr. SHERLEY. Has your committee considered the question how far the power of the Commission over the subject of differentials might be affected by that provision of the Constitution that prohibits any regulation of commerce giving a preference to the ports of one State over the ports of any other state; and if so, what was the conclusion at which the committee arrived?

Mr. TOWNSEND. I beg the gentleman's pardon. There was

so much confusion here that I could not catch all of the gentleman's question.

Mr. SHERLEY. My question is, Did the Interstate Commerce Committee consider the effect of that provision of the Constitution which says that no regulation of commerce shall give a preference to the ports of one State over the ports of any other State?

Mr. TOWNSEND. I think that was considered and that it would be construed by the court on an appeal. If a decision had been rendered on an order made by the Commission that violated that provision it would be so construed by the court.

Mr. SHERLEY. Let me ask you another question. Do you consider that the word "ports" as used in that provision of the Constitution would apply to markets or centers of commerce and trade?

Mr. TOWNSEND. I do not know that I ever considered the question just as the gentleman puts it. It evidently means places on the seaboard.

Mr. SHERLEY. Whenever the Commission undertakes to change a differential my understanding is that a differential carries with it the idea that the relative position of the rates is an unjust one, that one rate is too high as compared with the other, or that it is too low as compared with the other.

Now, whenever the Commission undertake to change that relationship of rates, they must necessarily help one community and hurt the other community to the extent that the change is made. Now, I really am asking for information as to whether the committee went into that very great problem or not—of the power to do that?

Mr. TOWNSEND. I think they went into that to some extent.

Mr. SHERLEY. We have no suggestion from the committee as to what conclusion they reached.

Mr. TOWNSEND. My opinion is that the constitutional provision applies to regulations in reference to imports and duties. I believe that the Commission is appointed to see that justice between men and places is secured. I can see no possible chance for an evasion of the constitutional provision to which you refer.

Mr. ADAMSON. I should like to ask the gentleman a question. Can you refer me to the portion of the bill which provides for the regulation of private cars?

Mr. TOWNSEND. The first section.

Mr. ADAMSON. Do you think the terms of the first section cover it?

Mr. TOWNSEND. Yes; I think so.

Mr. ADAMSON. One other question, please. Do you believe that where a transportation line running to a certain place is satisfied with a rate which is profitable and acceptable to it, rendered so on account of existing circumstances, that on the motion of other people and against the consent of that transportation line the Commission ought to order that line to raise that rate?

Mr. TOWNSEND. Not under the facts as stated by the gentleman, and I do not believe any such power ever will be exercised, and do not believe it was ever contemplated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVEY of Louisiana. I yield one hour to the gentleman from Alabama [Mr. RICHARDSON], one half hour to be used to-night and the other half hour to-morrow immediately after the reading of the Journal.

The CHAIRMAN. The gentleman from Alabama is recognized for one hour. The Chair will call the attention of the gentleman from Alabama to the expiration of the half hour.

Mr. RICHARDSON of Alabama. Mr. Chairman, I am very much obliged to the Chairman for the suggestion made as to the expiration of the half hour. I presume, under the rule reported by the Committee on Rules and adopted, that the committee will rise at half past 5.

As the Chair knows, it is very disagreeable to undertake to make a connected speech on as important a subject as this knowing that I shall be interrupted in the middle of my remarks.

I shall not dwell upon the length of time that has been consumed, or the great number of bills, petitions, and memorials that have been presented to Congress in the last few years to execute and carry out the primary purpose and object of the Act to regulate commerce, approved February 4, 1887, namely, that all charges made by railroads for transportation of property or persons shall be "just and reasonable." That is a simple, plain, fair, and honest requirement and ought and does particularly apply to railroads on account of their dependence on either Federal or State authority to pursue their business.

It has been, Mr. Chairman, nearly twenty years since that law was passed, and during that time a large number of amendments have been made to it. We have had several outside laws enacted to give it strength. It was in 1897, the 24th of May, as I recall it, that what was known as the "maximum-rate case," the style of which was Interstate Commerce Commission *v.* Railway Company (167 U. S. Repts.), decided by the Supreme Court of the United States, was rendered. In that case it was distinctly and clearly held that the Interstate Commerce Commission was not clothed by the act to regulate commerce with the power or authority to declare either a maximum, a minimum, or an absolute rate. It is undoubtedly true since that time, Mr. Chairman, efforts have been made from all sections of this country to make effective its orders by conferring power on the Interstate Commerce Commission not only to challenge and investigate and determine, after hearing and on complaint made, whether a rate was unreasonable and was so found by the Commission, but to give it the further authority and power to declare in lieu of that unreasonable and unjust rate what a reasonable, just, and lawful rate was.

I say that petitions, to which I am not going to refer, have come up from fully forty States in the Union asking that this power be granted to the Commission—asking that some relief be given. These petitions came from chambers of commerce, business leagues, and kindred associations—intelligent business men, that knew what they were asking for.

What brought about, primarily, the necessity for the people or the public to make such a demand? Why, when the Maximum Rate Case was decided and it was understood and so pronounced by the highest court of our country that the Commission had no authority to make a rate for the future, then it was, and it is an undeniable fact, the railroads of this country commenced to use arbitrarily the power—the rate-making power—that was left in their hands. No one can possibly deny that. Until now the demand comes to us, Mr. Chairman, in such an earnest, patriotic way that Congress can not possibly consider for a moment the advisability or propriety of disregarding that demand. No man believes that Congress can heed the call of the people for relief except first and primarily giving the Commission the power to declare what is a just and reasonable rate.

I do not mean that we ought to go into extreme legislation. Believing and knowing as I do that both sides of this House, and particularly the Committee on Interstate and Foreign Commerce, favor amending the act so that the Interstate Commerce Commission will, after investigation and hearing and finding the rate to be unreasonable, unjust, and unfair—we all agree this afternoon, on both sides of this Chamber, that that act should be so amended as to give the Commission power to substitute a fair and reasonable rate for the unfair rate fixed by the railroad. Believing that, it was my pleasure to suggest, in the discussion of this matter before the Committee on Interstate and Foreign Commerce, that we should give the Commission that power. We all agree on that principle. Democrats and Republicans agree that that ought to be done, and the bill of the majority and the bill of the minority are alike on that proposition. Let us give that power to the Commission. In doing that we will meet fairly and fully the demands of the public and give relief. I say give them that power, Mr. Chairman, and stop right there. That would be sufficient. All things can not be done in a day. Great reforms move slowly.

What could be the objection to that? I say that suggestion was made, and I believe that everything the public to-day demands is that that power shall be given to the Interstate Commerce Commission. It is our duty, and it behooves us as patriotic, well-intentioned citizens and Representatives of our people, to go slowly in this matter, and not to engage in hasty or hostile legislation. Nobody wants that. It behooves Congress to be deliberate and proceed cautiously and conservatively. We can not accomplish every needed reform at once. What would be the effect if we did that? No thoughtful man can doubt that it is an enormous power to place the rate-making power in the hands of a commission when we now have over 200,000 miles of railroad trackage. But yet legislation is needed. This is admitted. Let it be simple and plain. Give the Commission the rate-making power and await results. This would be following the plain and unobstructed and open way to the harbor of relief. No man can deny that. It would be giving us the advantage of all the experience that we have had for the last twenty years in the litigation that has taken place, in the construction of the act to regulate commerce, in the rules that have been made for governing and understanding this great question of rates as to justice and fairness. That would be the effect.

It is a plain, simple remedy, unaccompanied with technicalities, legal quibbles, or complications or constructions of equity.

I say the people are demanding such a bill, and such a law as that should be made; no twisting, no turning about, no skein or matted net of chancery technicalities and probabilities, but the plain, open way that we have and ought to follow; and if we adopt, Mr. Chairman, any other way, any other course, or any other plan that leads us into the mud and mire of legal complications, with complicated rules in the courts, of doubtful construction, of temporary restraining orders, and all those vexations, unnecessary, and needless rules of a chancery court that gather around us when delays are wanted, we need not expect to escape responsibility to the people.

On this subject the President of the United States, in a message to the Fifth-seventh Congress, said:

> The cardinal provisions of the interstate-commerce act were that railway rates should be just and reasonable, and that all shippers, localities, and commodities should be accorded equal treatment. * * * Experience has shown the wisdom of its purposes, but has also shown possibly that some of its requirements are wrong, certainly that the means devised for the enforcement of its provisions are defective. The act should be amended. The railway is a public servant. Its rates should be just to and open to all shippers alike. The Government should see to it that within its jurisdiction this is so, and should provide a speedy, inexpensive, and effective remedy to that end. Nothing could be more foolish than the enactment of legislation which would unnecessarily interfere with the development and operation of these commercial agencies. The subject is one of great importance, and calls for the earnest attention of the Congress.

Now, Mr. Chairman, it has been said that the present bill must pass.

I was sorry, sir, to see that a rule brought in here by the majority of Republicans of the Committee on Rules gave this bill a political feature that I hoped never would be given to it. Is this a political question? I thought it a great economic question. My people in the Eighth Alabama district will and ought to hold me to a strict account for the real and genuine efforts I make to give them relief, as his people will hold my friend the distinguished gentleman from Illinois [Mr. MANN] in his district. I am sorry, I repeat, to see a political feature given to it. They say it must pass. What immense and hidden power is behind it? A real true bill of relief ought to pass on account of its own merit. I take the liberty to read, as quoted in a newspaper published in this city, the words of the Speaker of the House of Representatives, quoting what he said in the Republican caucus held but a few days since.

And it sounds very much like our Speaker. I imagine I can see and hear him as he laid the party law down to the insurgents. He said: "But we've got to pass this bill or we've got to pass some other bill. We've got to put this legislation through. Now, if there's anybody who thinks he can draw a better bill, let's have it; if there's no one who wants to draw a better bill, then let's take this one. We've got to pass some kind of a bill, and we've got to pass it right away."

You will pass "some kind" of a bill. It will be this bill—your caucus bill. And the pertinent inquiry will be, and the investigation is going to be honest and thorough by competent and qualified men throughout this country, "what kind" of a bill is this that you have passed? That is going to be the inquiry. It is just and fair.

We are but here as the representatives of the people. They have the right to investigate and challenge the "kind of a bill" that "Uncle Joe" says "must be passed." "Something must be done," and it was done; and the product of all that effort is the bill you have brought here. Why, it has been said, yea published, that if you did not bring in a bill and pass it the President would call an extra session of Congress, and that might bring on talk about revising the iniquities of the tariff.

Now, Mr. Chairman, let us look back just for a little while in this present Congress. Let us take the Cooper-Quarles bill, if you please, and examine it, as it has been already examined throughout the country. It has been brought under the limelight of discussion and criticism in and out of Congress. I dare say that no bill that has ever been before an American Congress has met more indorsement and more universal approval than the provisions of the Cooper-Quarles bill met.

You and I know that all of the different associations—mercantile, chambers of commerce, business leagues—throughout the country, it is said representing or coming from forty-four different States, had their attention called particularly and especially to the provisions of the Cooper-Quarles bill, the measure of the distinguished Republican from Wisconsin upon the floor of this House. You and I and everybody in Congress have received petitions and all kinds of memorials inviting our attention to that Cooper-Quarles bill, asking us to support the principles and policies contained therein. I refer to that bill simply because I believe that I find expressed in there more what public sentiment is and what the people approve of than in any other bill. What are the provisions of that bill? The bill that the minority offers as a substitute for the bill of the majority contains the same leading governing provisions of the Cooper bill.

First, after a complaint made and a rate has been challenged and investigated and a hearing had on it, and it is found to be unreasonable and unjust, the Cooper bill gives the Interstate Commerce Commission the power to substitute for that rate so investigated and pronounced unjust and unfair and unreasonable a reasonable and fair rate. That is what it gives. What else does it do? It gives the right of appeal. What? How? To the present judicial system, that was inaugurated more than a hundred years ago and has been gradually developed and improved until to-day it stands equal to any judicial system of the world. It creates no special court.

I tell you, Mr. Chairman and gentlemen, when you come to consider the grave importance and the meaning of creating a unique special distinct court to pass upon the rights and the property of a special interest, vocation, or class in this country, you are departing absolutely from the judicial system and coming in conflict with one of the truest theories and principles of our republican form of government. What else does the Cooper bill provide for? It provides for joint traffic rates. It provides for an appeal.

What else does it do? It makes the important provision that the Commission on an appeal shall send up a full record of its proceedings and the appellate court shall try the case on that record. It says that the rate established by the Commission shall remain operative and in force and effect until by the judgment of the highest court of resort it is declared to be error. Ah, you get in those principles the true answer to the demand of the people. When they ask you for bread, you ought not to give them a stone. There it is. If we are undertaking to follow public sentiment, to do our duty and to grant true and thorough relief, why can we not adopt those principles. The Davey bill contains the same provisions.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. TOWNSEND. Does the gentleman believe that Congress has the right to say that that rate shall not under any circumstances be suspended?

Mr. RICHARDSON of Alabama. Why, no; I do not believe that, and the Cooper bill does not say that. I do not believe, in further answer to the question, that Congress or a State legislature can pass any bill—it does not make any difference how many restraints and restrictions they put in it—that will prevent the Federal courts from supervising it upon the question of unreasonableness and to the point of whether the railroads make a fair profit upon the investment, leading up to the question of confiscation.

Mr. ADAMSON. I will ask my colleague, with his permission——

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. ADAMSON. If that discretion would not be limited, however, to cases where the order was irregularly made and the law not pursued?

Mr. RICHARDSON of Alabama. Why, not only that, but I do not pretend to say, as a lawyer, that the question of reasonableness is not a judicial function. It is a question of fact which belongs to the judicial function. I believe that the Interstate Commerce Commission is clothed to-day with a judicial function. It is clothed with administrative and executive function, but it is not clothed with the legislative power. There is the trouble and the defect that is brought up for consideration. It is right there that the act to regulate commerce ought to be amended. Mr. Chairman, why this special court? I was just talking about that when interrupted.

It is an undeniable fact, and it is referred to in the maximum rate case decided in the Supreme Court of the United States, that the Interstate Commerce Commission from the beginning of its existence down to the rendition of the decision of the maximum rate case, exercised the power and the authority of declaring what a rate was and what it should be. Judge Cooley, a distinguished lawyer, and first president of Commission, took the position that the Commission did not have the right to fix the minimum rate, but that it had the right to fix the maximum rate (St. Paul and Kansas City Railway), and the Supreme Court of the United States refers to that case in the maximum rate decision case. Not only that, but Hon. Martin

A. Knapp, now the distinguished and able chairman of the Interstate Commerce Commission, in the hearings which we had in the Interstate and Foreign Commerce Committee, further stated that while he was a member of the Commission with Judge Cooley he joined frequently with him in ruling just that way. He said:

Mr. MANN. Did not those petitions invariably declare that the rate was unreasonable?

Mr. KNAPP. Yes; and in many cases asked for a specific reduction. More than that, Mr. MANN. When the Commission took proceedings in the courts to enforce orders which had been disregarded in the respect I am now considering, which is, as you know, by suit brought for that purpose, based on the Commission's findings, and the carriers answered to this, they did not then set up the want of authority on the part of the Commission to enforce the order which was sought to be enforced by the proceedings, and the question was not raised until nearly ten years after the Commission was organized, and was not decided until along in the year 1897, and then in a case which involved other questions and in an opinion which left much room for doubt as to what the Supreme Court would say when the precise question came before it. That is the actual history of the thing.

Let me say, further, Mr. MANN, in the first eight months after the Commission was organized, when one of the most eminent jurists this country ever produced, Judge Cooley, was its chairman, the Commission made orders which in principle and in terms covered every order which the Commission could make under this Corliss bill.

Mr. MANN. It has been stated that Judge Cooley did not believe that the Commission had authority to make rates.

Mr. KNAPP. I know it has been.

Mr. MANN. I said did not "believe." I should have said "decided" that the Commission did not have authority to make rates.

Mr. KNAPP. I do not think Judge Cooley is on record as saying that. I had the honor to be associated with him, to my great advantage, for some months upon the Commission—in my first service with the Commission—and I never heard him say that. I know he joined in decisions where that authority was exercised.

So it was stated by the distinguished lawyer from New York, Hon. John D. Kernan, who was the author of the act to regulate commerce, who testified at the hearings before our committee and pointed out the cases in which the Commission exercised the power and authority of declaring what a rate was in lieu of one that was unreasonable and unjust. Mr. Kernan said:

I have had a good many experiences before the Interstate Commerce Commission. I have been employed by boards of trade and many bodies of that kind. I have never been for the railroads, but always on the other side of the question. But in all of those cases, up to the time that the Supreme Court of the United States made the decision—which was against the unanimous opinions of the courts below—in 1897, ten years after the act was passed, neither the Commission nor the railroads nor anybody else took the position that they did not have the power to fix rates to the extent that we now ask that it be given to them. The orders of the Commission all ran in that way—that they found that the rate complained of was unreasonable to such an extent, and that the carriers should cease and desist from charging said rate, and should thenceforth charge the rate prescribed.

That was never questioned until the case which I carried to the Supreme Court of the United States, and argued there twice, "The import rate case," and then also in the "Social Circle case;" and right here I may say that that includes the question whether the inquiry whether rates are reasonable or not is a judicial act; that is, whether the inquiry before the Interstate Commerce Commission, whether a rate is or is not reasonable, is a judicial act, and the Supreme Court says: "But to prescribe rates for the future is a legislative act." So that you have in this Commission a combination of the duty of saying, first, whether the rate is fair and reasonable, and then, second, as a part of their order, what the rate shall be for the future.

So, under the United States Supreme Court's decision, you have a delegation of the sole legislative power of letting that Commission say what for the future shall be the rate; and whether that is a dangerous grant of power, whether it exists, whether it was originally designed by the interstate-commerce act, is a question. The act has failed for the lack of that power up to the present time to accomplish the result intended.

Mr. Chairman, I see my time has nearly expired for the half hour. Patrick Henry said with great power and effect, in arousing the colonists to a full discharge of their duties: "By the light of the lamp of experience let my feet be guided." If we adopt that rule here to-day in this legislation what is the effect of it? For ten years the Interstate Commerce Commission acted under the belief that it had the right to declare a rate in lieu of an unjust rate. What was the effect? The relations between the public and the railroads were kind and reciprocal during that period. Harmony and peace prevailed. The railroads knew that the Commission had that power. Then they adapted themselves accordingly to what they knew the law was. We learn from history as well as from human nature that the more power you give a man unrestrained by law the greater will he abuse it.

Why can not we simply amend this law, not complicating it, not surrounding it with difficulties, with troubles and vexations? The Davey bill simply asks that the authority that the Interstate Commerce Commission exercised for ten years be restored. Why, what has taken place in our country since the maximum-rate case presenting the condition of to-day that we confront? The mightiest combinations of capital that the world has ever seen threatens the industrial liberties of American citizenship to-day. Why, sir, it is far better, in my judgment, and I speak without the slightest prejudice or unfriendliness against these great commercial agencies—I say it is far better for the railroads of this country to come in to-day and cooperate with Congress honestly and sincerely in securing straight, square, honest legislation on this subject than it is to take the risk of soon coming face to face with the danger of Government ownership; the risk of encountering socialism and the theories of Debs. It is a solemn hour with us. Our surroundings are pregnant with troubles in the future. Strife and contention is prevalent. Capital deals unfairly with labor and labor is goaded to desperation. No thoughtful man can for a moment deny that. The Industrial Commission presents the following statement:

Since the return of prosperity in 1898, railroad consolidation upon a scale hitherto unequaled has been under way. The earlier systems, which during the nineties rose to a maximum of 10,000 miles of line, have now been superseded by the organization of systems under common control which include from 15,000 to 20,000 miles apiece. The extent of this movement may be judged from the statement of the Interstate Commerce Commission that "disregarding mere rumors and taking account of well-authenticated statements, there were absorbed in various ways between July 1, 1899, and November 1, 1900, 25,311 miles of railroad. There are in the whole United States something less than 200,000 miles of road; more than one-eighth of this entire mileage was, within the above period, brought in one way and another under the control of other lines." Since the 1st of November, 1900, this rate of consolidation has been still further exceeded, while at the same time the character of the changes has become noticeably different. Forces are apparently at work which may within the immediate future bring the railroad system of the United States under the control of comparatively few dominating financial interests. It is highly important that the character of this change should be thoroughly understood, inasmuch as it involves not alone the consolidation of hitherto independent railroads, but the amalgamation of entire systems.

Why, then, not come in and cooperate with us? We all know that the President of the United States, a practical, straightforward man in what he says, said, in his recent speech at Philadelphia in discussing this question, that this Republic of ours could not fail from the same causes that governments and republics in history have failed. Ah, do you suppose that a man occupying the high position of the President of the United States, in discussing this question that reaches every man, woman, and child out of the 80,000,000 people in this great country, would have given such testimony idly? The President said:

We do not intend that this Republic should ever fail as those republics of olden time failed, in which there finally came to be a government by classes, which resulted either in the poor plundering the rich or in the rich exploiting and in one form or another enslaving the poor; for either event means the destruction of free institutions and of individual liberty. Ours is not a government which recognizes classes. It is based on the recognition of the individual. We are not for the poor man as such, nor for the rich man as such. We are for every man, rich or poor, provided he acts justly and fairly by his fellows, and if he so acts the Government must do all it can to see that inasmuch as he does no wrong so he shall suffer no wrong.

Why, no. We must not let our great Republic run upon the breakers that the President calls attention to. And that is why I say let us be honest and fair, and give a bill that will afford and give the people relief.

Mr. SCUDDER. May I ask the gentleman from Alabama [Mr. RICHARDSON] a question?

The CHAIRMAN. Does the gentleman from Alabama [Mr. RICHARDSON] yield to the gentleman from New York [Mr. SCUDDER]?

Mr. RICHARDSON of Alabama. Certainly.

Mr. SCUDDER. I understood the gentleman from Alabama [Mr. RICHARDSON] to say that legislation along the line that he is advocating might possibly result in preventing a worse evil—that of Government ownership. I would like very much to know if he has ever satisfied himself that legislation under the line he is advocating—that is to say, legislation which permits the Interstate Commerce Commission to fix a rate, may not itself be used as an argument in favor of and as a step toward Government ownership?

Mr. RICHARDSON of Alabama. Never in the world.

Mr. SCUDDER. Why?

Mr. RICHARDSON of Alabama. Never in the world. Whenever you give the law the right opportunity to act and be exercised it always leads to peace; always to the preservation of individual rights and the upholding of lawful authority. I say that I would look, Mr. Chairman, upon Government ownership—because then all other public utilities would follow, if Government ownership were applied to railroads—I would look upon it as one of the greatest calamities that could possibly befall the future of this Republic. I would look upon it as an invasion and trespass by the Government upon all of the individual rights and liberties of American citizenship. I would look upon it as a centralization of power that would really destroy the true spirit and theory of our republican form of Government. We have been drifting in late years, Mr. Chairman, too much in that direction. We must check that tendency. Therefore, I

speak earnestly when I say it behooves the railroads of this country to come in and join hands with us and prevent even the probability of such a calamity as that. I see, Mr. Chairman, that my half hour has about expired. [Applause.]

The CHAIRMAN. The gentleman has two minutes yet remaining of the half hour.

Mr. RICHARDSON. I do not wish to commence another subject at this time, and I will reserve my time until to-morrow.

Then, on motion of Mr. HEPBURN, the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration bill H. R. 18588 and had come to no resolution thereon.

RIVER AND HARBOR BILL.

Mr. BURTON, from the Committee on Rivers and Harbors, reported the bill (H. R. 18809) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. PAYNE. Mr. Speaker, I reserve all points of order on the bill.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that twice the usual number of copies of the bill be printed.

The SPEAKER. The gentleman from Ohio [Mr. BURTON] asks unanimous consent that twice the usual number of copies of the bill H. R. 18809 be printed. Is there objection?

There was no objection.

LOSS OF SENATE BILL.

The SPEAKER. The Chair is informed that there has been mislaid or lost a certified copy of the bill S. 285. Without objection, an order will be made asking the Senate to send a duplicate certified copy of the bill, of which the Clerk will report the title.

The Clerk read as follows:

An act to divide the State of Wyoming into two judicial districts.

There was no objection.

A. C. HOGAN, JR.

Mr. BOWERSOCK, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of A. C. Hogan, jr., Fifty-eighth Congress, no adverse report having been made thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14351. An act for the relief of the Gull River Lumber Company, its assigns or successors in interest;

H. R. 17769. An act to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment station purposes;

H. R. 3109. An act for the relief of Noah Dillard;

H. R. 15284. An act granting to the Keokuk and Hamilton Water Power Company rights to construct and maintain for the improvement of navigation and development of water power a dam across the Mississippi River; and

H. R. 17345. An act to exclude from the Yosemite National Park, Cal., certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve.

Mr. HEPBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until to-morrow at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of State, calling attention to the desirability of action on the resolution relating to the invitation proposed to be extended to the International Prison Congress—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Postmaster-General submitting an estimate of deficiency appropriation for the postal service—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 4059) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, reported the same without amendment, accompanied by a report (No. 4397); which said bill and report were referred to the House Calendar.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 701) to validate certain certificates of soldiers' additional homestead right, reported the same without amendment, accompanied by a report (No. 4398); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SPALDING, from the Committee on the Territories, to which was referred the bill of the House (H. R. 18641) to amend sections 56 and 80 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, reported the same with amendment, accompanied by a report (No. 4400); which said bill and report were referred to the House Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the House resolution (H. Res. 467) directing the Secretary of War to give to the House of Representatives information relative to the transport service, reported the same with amendment, accompanied by a report (No. 4401); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18116) granting an increase of pension to Abram H. Bedell, reported the same with amendment, accompanied by a report (No. 4225); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14393) granting an increase of pension to Deborah W. Annable, reported the same with amendment, accompanied by a report (No. 4226); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18132) granting an increase of pension to Daniel J. Meeds, reported the same with amendment, accompanied by a report (No. 4227); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15778) granting an increase of pension to Michael Hanberry, reported the same without amendment, accompanied by a report (No. 4228); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6910) granting an increase of pension to Mary E. Campbell, reported the same with amendment, accompanied by a report (No. 4229); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13370) granting an increase of pension to S. S. Perry, reported the same with amendment, accompanied by a report (No. 4230); wihch said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13061) granting an increase of pension to Henry S. Tillinghast, reported the same with amendment, accompanied by a report (No. 4231); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18631) granting an increase of pension to Henry D. Fulton, reported the same with amendment, accompanied by a report (No. 4232);

which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18432) granting a pension to Myrtle Cole, reported the same with amendment, accompanied by a report (No. 4233); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18394) granting an increase of pension to G. W. Drye, reported the same with amendment, accompanied by a report (No. 4234); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18188) granting an increase of pension to William Mock, reported the same with amendment, accompanied by a report (No. 4235); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18027) granting an increase of pension to Isaac Sloan, reported the same with amendment, accompanied by a report (No. 4236); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18083) granting an increase of pension to Philip Chace, reported the same with amendment, accompanied by a report (No. 4237); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13447) granting an increase of pension to Nancy A. Rickman, reported the same with amendment, accompanied by a report (No. 4238); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18370) granting an increase of pension to Mary Casey, reported the same with amendment, accompanied by a report (No. 4239); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16831); granting an increase of pension to Isaac Hanks, reported the same with amendment, accompanied by a report (No. 4240); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17639) granting an increase of pension to Charles F. Junken, reported the same with amendment, accompanied by a report (No. 4241); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15156) granting a pension to Felix G. Walker, reported the same with amendment, accompanied by a report (No. 4242); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14021) granting an increase of pension to Henry C. Earle, reported the same with amendment, accompanied by a report (No. 4243); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11903) granting a pension to Bertha C. Hoffmeister, reported the same with amendment, accompanied by a report (No. 4244); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11142) granting an increase of pension to Charles H. L. Groffmann, reported the same with amendment, accompanied by a report (No. 4245); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13444) granting an increase of pension to Eugene H. Harding, reported the same with amendment, accompanied by a report (No. 4246); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12486) granting an increase of pension to Andrew Deming, reported the same without amendment, accompanied by a report (No. 4247); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17544) granting an increase of pension to Stephen M. Fisk, reported the same with an amendment, accompanied by a report (No. 4248); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15262) granting an increase of pension to Charles Brick, reported the same with amendment, accompanied by a report (No. 4249); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18371) granting an increase of pension to William H. Kendall, reported the same with amendment, accompanied by a report (No. 4250); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17280) granting an increase of pension to Ogden Lewis, reported the same without amendment, accompanied by a report (No. 4251); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18345) granting an increase of pension to Thomas S. Peck, reported the same with amendment, accompanied by a report (No. 4252); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18386) granting an increase of pension to Zachariah Hall, reported the same without amendment, accompanied by a report (No. 4253); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18389) granting an increase of pension to Francis A. Tabor, reported the same with amendment, accompanied by a report (No. 4254); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18479) granting a pension to Hettie Fletcher, reported the same without amendment, accompanied by a report (No. 4255); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16843) granting an increase of pension to Henry Mountz, reported the same with amendment, accompanied by a report (No. 4256); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 746) granting an increase of pension to William H. Gilman, reported the same with amendment, accompanied by a report (No. 4257); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16089) granting a pension to Amanda Chatterson, reported the same with amendment, accompanied by a report (No. 4258); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18309) granting an increase of pension to William H. Washburn, reported the same with amendment, accompanied by a report (No. 4259); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16743) granting an increase of pension to John Glass, reported the same without amendment, accompanied by a report (No. 4260); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16514) granting an increase of pension to Robert W. Patrick, reported the same with amendment, accompanied by a report (No. 4261); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18273) granting an increase of pension to Soren Julius thor-Straten, reported the same with amendment, accompanied by a report (No. 4262); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18187) granting a pension to W. W. Moore, reported the same with amendment, accompanied by a report (No. 4263); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 17418) granting an increase of pension to Margaret J. Valentine, reported the same with amendment, accompanied by a report (No. 4264); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17622) granting an increase of pension to Edwin S. Pierce, reported the same with amendment, accompanied by a report (No. 4265); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17205) granting an increase of pension to Patrick Haley, reported the same with amendment, accompanied by a report (No. 4266); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17828) granting an increase of pension to Patrick Haney, reported the same with amendment, accompanied by a report (No. 4267); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18094) granting a pension to Clara I. Ashbury, reported the same with amendment, accompanied by a report (No. 4268); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16814) granting an increase of pension to William S. Lyon, reported the same without amendment, accompanied by a report (No. 4269); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18182) granting an increase of pension to James Bothwell, reported the same with amendment, accompanied by a report (No. 4270); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17065) granting an increase of pension to George F. Griffith, reported the same with amendment, accompanied by a report (No. 4271); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17559) granting an increase of pension to Joseph Wilkes, reported the same without amendment, accompanied by a report (No. 4272); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16864) granting an increase of pension to George M. Tuley, reported the same with amendment, accompanied by a report (No. 4273); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17379) granting an increase of pension to J. P. McCleary, reported the same with amendment, accompanied by a report (No. 4274); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11861) granting a pension to Emeline S. Gosline Hayner, reported the same with amendment, accompanied by a report (No. 4275); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11014) granting an increase of pension to Robert L. Duncan, reported the same with amendment, accompanied by a report (No. 4276); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15158) granting an increase of pension to Alexander Lessley, reported the same with amendment, accompanied by a report (No. 4277); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12705) granting an increase of pension to Moss C. Davis, reported the same with amendment, accompanied by a report (No. 4278); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11105) granting an increase of pension to Peter Furnier, reported the same with amendment, accompanied by a report (No. 4279); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12324) granting an increase of pension to Sarah J. Dickens, reported the same with amendment, accompanied by a report (No. 4280); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18145) granting an increase of pension to William H. Leonard, reported the same with amendment, accompanied by a report (No. 4281); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15789) granting an increase of pension to Samuel Bickford, reported the same with amendment, accompanied by a report (No. 4282); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7716) granting an increase of pension to John W. McIntyre, reported the same with amendment, accompanied by a report (No. 4283); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15748) granting an increase of pension to Evan E. Young, reported the same without amendment, accompanied by a report (No. 4284); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8810) granting an increase of pension to Benjamin Shaffer, reported the same without amendment, accompanied by a report (No. 4285); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5000) granting an increase of pension to Jackson D. Siner, reported the same with amendment, accompanied by a report (No. 4286); which said bill and report were referred to the Private Calendar.

He also, from the same committee to which was referred the bill of the House (H. R. 1266) granting an increase of pension to Marshall Cox, reported the same with amendment, accompanied by a report (No. 4287); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18607) granting an increase of pension to William C. Alexander, reported the same without amendment, accompanied by a report (No. 4288); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1865) granting an increase of pension to Ormon W. Walsh, reported the same with amendment, accompanied by a report (No. 4289); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3061) granting an increase of pension to John Herschel Hardy, reported the same with amendment, accompanied by a report (No. 4290); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 786) granting an increase of pension to Joseph V. Howell, reported the same with amendment, accompanied by a report (No. 4291); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18512) granting a pension to Mary O'Dea, reported the same with amendment, accompanied by a report (No. 4292); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18562) granting a pension to Martha A. Tompkins, reported the same with amendment, accompanied by a report (No. 4293); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18575) granting a pension to Vina Morton, reported the same with amendment, accompanied by a report (No. 4294); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18383) granting

an increase of pension to James H. Phelps, reported the same with amendment, accompanied by a report (No. 4295); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3828) granting an increase of pension to L. L. Tothacer, reported the same with amendment, accompanied by a report (No. 4296); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2731) granting an increase of pension to John R. McCullough, reported the same without amendment, accompanied by a report (No. 4297); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3392) granting an increase of pension to Cyrus N. Bradley, reported the same without amendment, accompanied by a report (No. 4298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3841) granting an increase of pension to John M. Bigger, reported the same without amendment, accompanied by a report (No. 4299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4101) granting an increase of pension to James H. Cate, reported the same without amendment, accompanied by a report (No. 4300); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4128) granting an increase of pension to Peter Kaufman, reported the same without amendment, accompanied by a report (No. 4301); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4605) granting an increase of pension to Charles R. Schmidt, reported the same without amendment, accompanied by a report (No. 4302); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5157) granting an increase of pension to Cellina H. Stephens, reported the same without amendment, accompanied by a report (No. 4303); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5253) granting an increase of pension to Joseph Mort, reported the same without amendment, accompanied by a report (No. 4304); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5344) granting a pension to Martha T. Hamlin, reported the same without amendment, accompanied by a report (No. 4305); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5539) granting an increase of pension to Albion L. Mitchell, reported the same without amendment, accompanied by a report (No. 4306); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6381) granting an increase of pension to John Hamilton, reported the same without amendment, accompanied by a report (No. 4307); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1452) granting an increase of pension to Mahala Forkner, reported the same without amendment, accompanied by a report (No. 4308); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5234) granting an increase of pension to John R. Leavens, reported the same without amendment, accompanied by a report (No. 4309); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 459) granting an increase of pension to William H. Trevillian, reported the same without amendment, accompanied by a report (No. 4310); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1724) granting an increase of pension to Sarah F. McCune, reported the same without amendment, accompanied by a report (No. 4311); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 173) granting an increase of pension to John G. Haskell, reported the same without amendment, accompanied by a report (No. 4312); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4675) granting a pension to Angeline B. Whitney, reported the same without amendment, accompanied by a report (No. 4313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5316) granting a pension to Thomas Pickford, reported the same without amendment, accompanied by a report (No. 4314); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4673) granting an increase of pension to Rosette E. S. Grow, reported the same without amendment, accompanied by a report (No. 4315); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6026) granting an increase of pension to Stephen Girard Nichols, reported the same without amendment, accompanied by a report (No. 4316); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3339) granting an increase of pension to Joel Carpenter, reported the same without amendment, accompanied by a report (No. 4317); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5059) granting an increase of pension to Tobias Meader, reported the same without amendment, accompanied by a report (No. 4318); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2031) granting an increase of pension to Henry W. Gay, reported the same without amendment, accompanied by a report (No. 4319); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4814) granting an increase of pension to Marcia H. Edgerly, reported the same without amendment, accompanied by a report (No. 4320); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3953) granting an increase of pension to Thomas L. Sanborn, reported the same without amendment, accompanied by a report (No. 4321); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4573) granting an increase of pension to Mary C. Buck, reported the same without amendment, accompanied by a report (No. 4322); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5865) granting an incresae of pension to Foster W. Gassett, reported the same without amendment, accompanied by a report (No. 4323); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5240) granting an increase of pension to Hugh R. Barnard, reported the same without amendment, accompanied by a report (No. 4324); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5960) granting an increase of pension to John A. Sargent, reported the same without amendment, accompanied by a report (No. 4325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6414) granting an increase of pension to John O'Kief, reported the same without amendment, accompanied by a report (No. 4326); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6134) granting a pension to Mary Elizabeth McClaren, reported the same without amendment, accom-

panied by a report (No. 4327); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6188) granting an increase of pension to William Sartwell, reported the same without amendment, accompanied by a report (No. 4328); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6475) granting an increase of pension to Isaac Slater, reported the same without amendment, accompanied by a report (No. 4329); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6728) granting an increase of pension to Charles W. Cowing, reported the same without amendment, accompanied by a report (No. 4330); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3660) granting an increase of pension to Mary Oakley, reported the same without amendment, accompanied by a report (No. 4331); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6446) granting an increase of pension to John McGowan, reported the same without amendment, accompanied by a report (No. 4332); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senaate (S. 4214) granting an increase of pension to Ella M. Roberts, reported the same without amendment, accompanied by a report (No. 4333); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6346) granting an increase of pension to Benjamin F. Sheppard, reported the same without amendment, accompanied by a report (No. 4334); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6605) granting an increase of pension to Simeon V. Sherwood, reported the same without amendment, accompanied by a report (No. 4335); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6224) granting an increase of pension to Anna M. Benny, reported the same without amendment, accompanied by a report (No. 4336); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2986) granting an increase of pension to William Barkis, reported the same without amendment, accompanied by a report (No. 4337); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3897) granting an increase of pension to Gabriel H. Adams, reported the same without amendment, accompanied by a report (No. 4338); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2291) granting an increase of pension to William W. Rollins, reported the same without amendment, accompanied by a report (No. 4339); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2977) granting an increase of pension to Andrew J. Larrabee, reported the same without amendment, accompanied by a report (No. 4340); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4123) granting an increase of pension to George Simms, reported the same without amendment, accompanied by a report (No. 4341); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4215) granting an increase of pension to Henry Berkstresser, reported the same without amendment, accompanied by a report (No. 4342); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2464) granting an increase of pension to John Aylers, reported the same without amendment, accompanied by a report (No. 4343); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3023) granting an increase of pension to Sanford S. Henderson, reported the same without amendment, accompanied by a report (No. 4344); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3378) granting an increase of pension to Jacob H. Heck, reported the same without amendment, accompanied by a report (No. 4345); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6439) granting an increase of pension to Thomas Conroy, reported the same without amendment, accompanied by a report (No. 4346); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6718) granting an increase of pension to Nathaniel Salg, reported the same without amendment, accompanied by a report (No. 4347); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6445) granting an increase of pension to Lizzie A. Holden, reported the same without amendment, accompanied by a report (No. 4348); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3662) granting an increase of pension to William A. Wilkins, reported the same without amendment, accompanied by a report (No. 4349); which said bill and report were referred to the Private Calendar.

Mr. HUNTER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6444) granting an increase of pension to Melkert H. Burton, reported the same without amendment, accompanied by a report (No. 4350); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6174) granting an increase of pension to Chittle Chittleson, reported the same without amendment, accompanied by a report (No. 4351); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6553) granting an increase of pension to Orlando Kennedy, reported the same without amendment, accompanied by a report (No. 4352); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5903) granting an increase of pension to Patrick Duffy, reported the same without amendment, accompanied by a report (No. 4353); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4073) granting an increase of pension to Comfort W. Watson, reported the same without amendment, accompanied by a report (No. 4354); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4025) granting a pension to Mary E. Chamberlain, reported the same without amendment, accompanied by a report (No. 4355); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5072) granting an increase of pension to Samuel A. McNeil, reported the same without amendment, accompanied by a report (No. 4356); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4619) granting a pension to Anna L. Bartleson, reported the same without amendment, accompanied by a report (No. 4357); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4886) granting a pension to Mary A. Massey, reported the same without amendment, accompanied by a report (No. 4358); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3722) granting a pension to John W.

Victor, reported the same without amendment, accompanied by a report (No. 4359); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5322) granting an increase of pension to Perley B. Dickerson, reported the same without amendment, accompanied by a report (No. 4360); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2256) granting an increase of pension to John Spriggs, reported the same without amendment, accompanied by a report (No. 4361); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2240) granting an increase of pension to Samuel B. Mann, reported the same without amendment, accompanied by a report (No. 4362); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3914) granting an increase of pension to John W. Branch, reported the same without amendment, accompanied by a report (No. 4363); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5651) granting a pension to Georgianna Eubanks, reported the same without amendment, accompanied by a report (No. 4364); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Commitee on Invalid Pensions, to which was referred the bill of the Senate (S. 5323) granting an increase of pension to William Geyser, reported the same without amendment, accompanied by a report (No. 4365); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1562) granting an increase of pension to Riley W. Cavins, reported the same without amendment, accompanied by a report (No. 4366); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1565) granting an increase of pension to Samuel N. Rockhold, reported the same without amendment, accompanied by a report (No. 4367); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6586) granting an increase of pension to Laura E. Campbell, reported the same without amendment, accompanied by a report (No. 4368); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6554) granting an increase of pension to Martin Gillett, reported the same without amendment, accompanied by a report (No. 4369); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6549) granting an increase of pension to Charles T. West, reported the same without amendment, accompanied by a report (No. 4370); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6548) granting an increase of pension to Levincy Walker, reported the same without amendment, accompanied by a report (No. 4371); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2107) granting an increase of pension to Andrew R. McCurdy, reported the same without amendment, accompanied by a report (No. 4372); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 41) granting an increase of pension to Sarah E. Gillette, reported the same without amendment, accompanied by a report (No. 4373); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2193) granting a pension to William Penn Mack, reported the same without amendment, accompanied by a report (No. 4374); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3467) granting an increase of pension to Emmory A. Wood, reported the same without amendment, accompanied by a report (No. 4375); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3731) granting an increase of pension to Arthur F. McNally, reported the same without amendment, accompanied by a report (No. 4376); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4749) granting an increase of pension to Martha J. Patterson, reported the same without amendment, accompanied by a report (No. 4377); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4775) granting a pension to Garetta L. Hodgkins, reported the same without amendment, accompanied by a report (No. 4378); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4850) granting an increase of pension to Sarah V. Matlack, reported the same without amendment, accompanied by a report (No. 4379); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6029) granting a pension to Ursula Bayard, reported the same without amendment, accompanied by a report (No. 4380); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6087) granting an increase of pension to Salmon S. Mathews, reported the same without amendment, accompanied by a report (No. 4381); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6218) granting an increase of pension to Adam E. King, reported the same without amendment, accompanied by a report (No. 4382); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6526) granting an increase of pension to Stephen A. Cox, reported the same without amendment, accompanied by a report (No. 4383); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4680) granting an increase of pension to Samuel T. Dickson, reported the same without amendment, accompanied by a report (No. 4384); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4681) granting an increase of pension to John H. Stubbs, reported the same without amendment, accompanied by a report (No. 4385); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5391) granting an increase of pension to Lucretia Johnson, reported the same without amendment, accompanied by a report (No. 4386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5392) granting an increase of pension to William W. Willis, reported the same without amendment, accompanied by a report (No. 4387); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5463) granting an increase of pension to John M. C. Sowers, reported the same without amendment, accompanied by a report (No. 4388); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5669) granting an increase of pension to Alexander Hay, reported the same without amendment, accompanied by a report (No. 4389); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5577) granting an increase of pension to La Fayette Smith, reported the same without amendment, accompanied by a report (No. 4390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5999) granting an increase of pension to William H. White, reported the same without amendment, accompanied by a report (No. 4391); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 139) granting an increase of pension to Solomon Knight, reported the same with-

out amendment, accompanied by a report (No. 4392); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1560) granting an increase of pension to William Sweet, reported the same without amendment, accompanied by a report (No. 4393); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2538) granting an increase of pension to Samuel A. Thomas, reported the same without amendment, accompanied by a report (No. 4394); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2674) granting a pension to Ellen Orr, reported the same without amendment, accompanied by a report (No. 4395); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the Senate (S. 6311) for the relief of James W. Jones, reported the same without amendment, accompanied by a report (No. 4396); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 18740) granting a pension to Baron Proctor, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BUTLER of Pennsylvania: A bill (H. R. 18784) providing for changing the title of warrant machinists, United Sates Navy, to machinist, for the promotion of machinists after six years from date of warrant, according to law governing the promotion of other warrant officers, and for other purposes—to the Committee on Naval Affairs.

By Mr. MANN: A bill (H. R. 18785) to promote the security of travel upon railroads engaged in interstate commerce and to encourage the saving of life—to the Committee on Interstate and Foreign Commerce.

By Mr. WEISSE: A bill (H. R. 18786) regulating the amount of special tax to be paid by brewers in certain cases—to the Committee on Ways and Means.

By Mr. BROOKS: A bill (H. R. 18787) to amend the homestead laws as to certain unappropriated and unreserved lands in Colorado—to the Committee on the Public Lands.

By Mr. MUDD: A bill (H. R. 18788) to mark the grave of Maj. Pierre Charles L'Enfant—to the Committee on the District of Columbia.

By Mr. DOVENER: A bill (H. R. 18808) for the establishment of a national park and forest reserve in the Appalachian Mountains, and to provide for the conservation of the water that flows down the Potomac watershed, and to provide laws for its sanitary policing, etc.; to include all parts of the States of West Virginia, Pennsylvania, Maryland, Virginia, and the District of Columbia that contribute to form the complete watershed of the Potomac River from its head to and including the District of Columbia; and for the primary purposes of providing a sufficient and pure water supply for the District of Columbia; to prevent overflows and denudation of soil; for the establishment of reservoirs, canals, lakes, ponds, and ditches, and for all other useful purposes to which water can be put when provided in abundance—to the Committee on Agriculture.

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 18809) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—to the Union Calendar.

By Mr. MARTIN: Memorial from the legislature of South Dakota, asking Congress to amend the homestead laws in certain cases—to the Committee on the Public Lands.

By Mr. ESCH: Memorial from the legislature of the State of Wisconsin, asking for readjustment of the tariff laws—to the Committee on Ways and Means.

By the SPEAKER: Memorial from the legislature of the State of South Dakota, asking that the homestead laws be amended as to certain lands in that State—to the Committee on the Public Lands.

Also, memorial from the legislature of South Dakota, asking Congress for an appropriation to be used in construction of levees and wing dams on the Missouri River near the James and Vermilion rivers—to the Committee on Rivers and Harbors.

By Mr. MARTIN: Memorial from the legislature of the State of South Dakota, asking Congress to construct levees and wing dams on the Missouri River near the James and Vermilion rivers—to the Committee on Rivers and Harbors.

By Mr. BURKE: Memorial from the legislature of South Dakota, asking Congress for an appropriation for constructing levees and wing dams on the Missouri near the James and Vermilion rivers—to the Committee on Rivers and Harbors.

Also, memorial from the legislature of South Dakota, relative to the bill for enlargement of tracts of land taken under the homestead law—to the Committee on the Public Lands.

By Mr. JENKINS: Memorial from the legislature of the State of Wisconsin, relative to the readjustment of the tariff—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 18789) to authorize John A. Ocherson, Caspar S. Crowninshield, and Miss Anna Tolman Smith to accept decorations tendered to them by the Government of the French Republic—to the Committee on Foreign Affairs.

By Mr. BOWIE: A bill (H. R. 18790) granting an increase of pension to Thomas M. Sullivan—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 18791) relating to the pay of mates in the Navy—to the Committee on Naval Affairs.

By Mr. CALDWELL: A bill (H. R. 18792) granting an increase of pension to Nathaniel Buchanan—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 18793) granting an increase of pension to John W. Fetrow—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 18794) granting an increase of pension to Raauf W. Traver—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 18795) granting a pension to Frederick Smith—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 18796) granting a pension to William M. Smith—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 18797) granting an increase of pension to William Dawson—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 18798) for the relief of Peter L. Carbaugh—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 18799) granting an increase of pension to John G. McAllister—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 18800) for the relief of the heirs of Ambrose Hord, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 18801) for the relief of Anna S. Frobel—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 18802) to refund to William Lanahan & Son, of Baltimore, Md., taxes paid on whisky destroyed—to the Committee on Ways and Means.

By Mr. WEISSE: A bill (H. R. 18803) granting a pension to William E. McCready—to the Committee on Invalid Pensions.

Also, a bill (H. R. 18804) granting an increase of pension to Andreas Schmidt—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 18805) granting a pension to Alexander Moore—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 18806) granting a pension to Baron Proctor—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 18807) for the relief of the board of commissioners of Judah Touro Almshouse, of New Orleans, Orleans Parish, La.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the eighth legislative assembly of Oklahoma, asking statehood of Oklahoma and Indian Territory at this session, as one State—to the Committee on the Territories.

Also, petition of merchants of Savannah, Ga., against the passage of bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of merchants, in the interest of shipping for the port of Savannah, against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Daniel Hanrahan et al., for a statue to Commodore Barry—to the Committee on the Library.

Also, petition of P. S. Carroll et al., for a statue to Commodore Barry—to the Committee on the Library.

By Mr. ACHESON: Petition of the Young Women's Christian Temperance Union of New Castle, Pa., against liquor selling on Government premises—to the Committee on Alcoholic Liquor Traffic.

By Mr. BARTHOLDT: Petition of Colonel Rob Bailey Post G. A. R., of Augusta, Mo., for bill placing General Osterhaus on the retired list—to the Committee on Military Affairs.

Also, petition of the Young Women's Christian Temperance Union, for amendment to statehood bill extending limit of prohibition to twenty-one years—to the Committee on the Territories.

Also, petition of the St. Louis Cotton Exchange, for more power to Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of U. S. Grant Post, of Ohio, favoring bill to put General Osterhaus on the retired list—to the Committee on Military Affairs.

Also, protest of citizens of St. Louis, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Merchants' Exchange of St. Louis, for an appropriation of $15,000 for improvement of the Mississippi River between the Ohio River and the Falls of St. Anthony—to the Committee on Rivers and Harbors.

Also, petition of the St. Louis Typothetæ, against bill H. R. 18327—to the Committee on the Judiciary.

Also, petition of the St. Louis Manufacturers' Association, favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. BARTLETT: Petition of tobacco growers of Thomas County, Ga., against a reduction of tariff on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of the Southern Interstate Cotton Convention, favoring fixing of railway rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWIE: Paper to accompany bill for relief of Thomas W. Sullivan—to the Committee on Pensions.

By Mr. BURKETT: Petition of citizens of Falls City, Nebr., against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON: Paper to accompany bill for relief of George R. McKay—to the Committee on Invalid Pensions.

By Mr. CURRIER: Petition of Aug. H. Gile et al., of Boston, for a national White Mountain forest reserve—to the Committee on Agriculture.

By Mr. DRAPER: Petition of United Harbor No. 1, American Association of Masters and Pilots of Steam Vessels, against bill H. R. 7298—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the standing committee of the Fifth Annual Convention in Interest of Road Improvement, favoring the Brownlow bill—to the Committee on Agriculture.

Also, petition of the National Association of Agricultural Implement and Vehicle Manufacturers, against commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. FIELD: Paper to accompany bill for relief of L. L. Godfrey—to the Committee on War Claims.

By Mr. FITZGERALD: Petition of the Brotherhood of Railway Trainmen, Department of New York, favoring passage of bill H. R. 7041—to the Committee on the Judiciary.

By Mr. ESCH: Petition of Fred T. Hinken, of the twenty-first Wisconsin district, cigar factory No. 298, against reduction of tariff on tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of the National Association of Agricultural Implement and Vehicle Manufacturers, of Chicago, favoring a repeal of the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. GRIFFITH: Paper to accompany bill for relief of Michael Harmon—to the Committee on Invalid Pensions.

By Mr. GRIGGS: Petition of the tobacco growers of Decatur County, Ga., against reduction of tariff on tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of citizens of Caledonia County, Vt., favoring suitable acknowledgment of Almighty God in the Constitution—to the Committee on the Judiciary.

By Mr. HEDGE: Paper to accompany bill for relief of John W. Fetrow—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of Rock Falls Manufacturing Company and the Sterling Hearse and Carriage Company, favoring bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of locomotive engineers of Ogden, Utah, against bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of L. H. Redd et al., asking for a United States land office to be established at Price, Carbon County, Utah—to the Committee on the Public Lands.

Also, petition of Division No. 222, Brotherhood of Locomotive Engineers, of Salt Lake City, Utah, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of the board of directors of the Weber Club, of Ogden, Utah, against unjust discrimination in railway rates—to the Committee on Interstate and Foriegn Commerce.

Also, petition of citizens of Wasatch County, Utah, favoring a land office at Price, Carbon County, Utah—to the Committee on the Public Lands.

By Mr. HULL: Petition of R. C. Hanson & Sons et al., favoring enlarged powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Petition of the Merchants' Exchange of St. Louis, asking an appropriation of $15,000,000 for improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, resolution of the legislature of Missouri, favoring enlarged powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Interstate Cotton Convention, favoring enlarged powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philadelphia Board of Trade, for effective governmental supervision of all transportation agencies—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of United Harbor No. 1, American Association of Masters and Pilots of Steam Vessels, against bill H. R. 7298—to the Committee on Merchant Marine and Fisheries.

Also, petition of the Sixth Annual Convention in the Interest of Road Improvement, held at Albany, N. Y., favoring the Brownlow bill—to the Committee on Agriculture.

By Mr. MAHON: Petition of Washington Camp No. 526, Patriotic Order Sons of America, of Shermansdale, Perry County, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp No. 577, Patriotic Order Sons of America, of Willow Hill, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Peter L. Carbaugh—to the Committee on Military Affairs.

By Mr. MARSHALL: Resolution of the legislature of North Dakota, favoring taking water from the Missouri River for irrigation purposes—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Gideon M. Burriss—to the Committee on Military Affairs.

By Mr. RIXEY: Paper to accompany bill for relief of heirs of Ambrose Hard—to the Committee on War Claims.

By Mr. RIDER: Petition of the standing committee of the Fifth Annual Convention, Utica, N. Y., in favor of the Brownlow road bill—to the Committee on Agriculture.

By Mr. RUPPERT: Petition of the National Association of Agricultural Implement and Vehicle Manufacturers, urging repeal of the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, petition of the Manufacturers' Association of New York City, about punishment for violation of the trade-mark law—to the Committee on Patents.

By Mr. RYAN: Petition of the Fort Smith (Ark.) Traffic Bureau, against bill H. R. 18127—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Agricultural Implement and Vehicle Manufacturers, against the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, petition of the Philadelphia Board of Trade, favoring legislation regarding railroad rates—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota. Paper to accompany bill for relief of Kerman W. Reichow—to the Committee on Claims,